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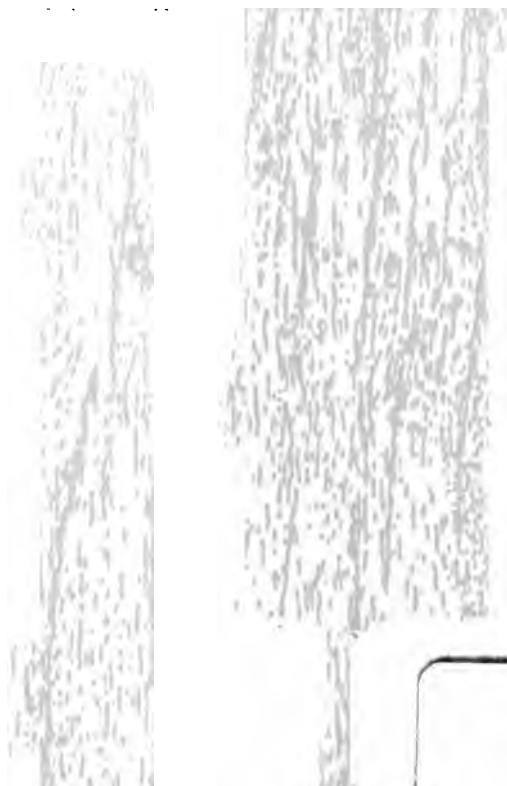
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B I L L S,

PUBLIC:

*SIX VOLUMES.*

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—(2.)—

COMMONS INCLOSURE

TO

CUSTOMS REGULATION.

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Session

*4 February—9 August 1845.*

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2  
VOL. II.

1845.

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BR DOC 650

# B I L L S :

1845.

## SIX VOLUMES:—CONTENTS OF THE SECOND VOLUME.

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## COMMONS INCLOSURE BILL.

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-



5 May 1845.—8 VICT.



A

# B I L L

To facilitate the Inclosure and Improvement of Commons and Lands held in common; the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of General and Local Inclosure Acts, and to provide for the Revival of such Powers in certain cases.

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[Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in the Committee.]

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**W**H ~~HEREAS~~ it is expedient to facilitate the Inclosure and Improvement of Commons and other Lands now subject to

Preamble.

rights of property which obstruct cultivation and the productive employment of labour, and to facilitate such exchanges of Lands and such divisions of Lands intermixed or divided into inconvenient parcels, as may be beneficial to the respective owners, and it is also expedient to provide remedies for the defective or incomplete execution, and for the non-execution of powers created by General and Local Acts of Inclosure, and to authorize the revival of such powers in certain cases; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall be lawful for one of Her Majesty's Principal Secretaries of State to appoint any *Two* fit persons to be Commissioners under this Act, and at pleasure to remove the Commissioners so appointed, or either of them; and upon every vacancy in the office of such Commissioner some other fit person shall be appointed to such office in like manner; and the Commissioners so to be appointed shall, with the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, be the Commissioners for carrying this Act into execution; and during any vacancy in the office of Commissioner under this Act, ~~it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.~~

1.  
Appointment  
of Commis-  
sioners.

275.

A

And

2.  
Chairman of  
Commissioners.

Style of Com-  
missioners.

To have a  
Common  
Seal.

And be it Enacted, That the said First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being shall be the Chairman of the Commissioners acting in the execution of this Act; and such Commissioners shall be styled "The Inclosure Commissioners for England and Wales," and shall have their office in London or Westminster, and they or any *Two* of them may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the Commissioners shall cause to be made a seal of the said Board, and shall cause to be sealed therewith all awards and orders made or confirmed by the Commissioners in pursuance of this Act; and all such awards and orders and other instruments proceeding from the said Board, or copies thereof purporting to be sealed with the seal of the said Board, shall be received in evidence without any further proof thereof; and no award or order of the Commissioners under the authority of this Act, shall be of any force unless the same shall be sealed as aforesaid.

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3.  
Commis-  
sioners to  
make annual  
Reports.

And be it Enacted, That the Commissioners shall from time to time give to any one of Her Majesty's Principal Secretaries of State such information respecting their proceedings as such Principal Secretary of State shall require, and shall on the *First day of January* in every year, send to one of the Principal Secretaries of State a general report of their proceedings, specifying the applications which may have been made to them under the provisions of this Act, and the several cases in which they shall have authorized Inclosures, and also the cases in which they shall be of opinion that proposed Inclosures which may not be made without the direction of Parliament would be expedient, and such report shall separately distinguish all such proposed Inclosures as relate to Lands situate within *Ten Miles* of the city of London, and within such respective distances of other cities or towns as hereinafter mentioned, and shall state in each such case the special grounds on which they shall be of opinion that such Inclosure shall be expedient, and as well in the cases in which they shall have authorized Inclosures as in the other cases aforesaid, such report shall state the extent of the Land authorized and proposed to be inclosed, with such other particulars as hereinafter directed; and such report shall also specify the progress which shall have been made in Inclosures which the Commissioners may have authorized, and in the Inclosures which Parliament may have directed to be proceeded with; and every such report shall be laid before both Houses of Parliament within *Six Weeks* after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within *Six Weeks* after the next meeting of Parliament; and such Commissioners may from time to time send to one of the Principal Secretaries of State

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State such special reports in relation to all or any of the matters aforesaid as they may think fit.

And be it Enacted, That it shall be lawful for the Commissioners from time to time to appoint a sufficient number of persons to be  
 5 Assistant Commissioners, and also a Secretary, and such Clerks, Messengers and officers as they shall deem necessary, and to remove such  
 Assistant Commissioners, Secretary, Clerks, Messengers and officers, or any of them; and on any vacancy in any of the said offices, to  
 10 appoint some other person to the vacant office, and the persons so appointed shall assist in carrying this Act into execution, at such places and in such manner as the Commissioners may direct: Provided always, That no such appointment shall be made by the Commissioners unless the Lord High Treasurer or any Three or more of the Commissioners of Her Majesty's Treasury shall in the case of  
 15 each such appointment consent thereto.

4.  
Power to  
appoint and  
remove Assistant  
Commissioners,  
&c.

And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary or other officer, or person so to be appointed, shall hold his office for a longer period than *Five Years* next after the day of the passing of this Act, and thenceforth until the end of the then  
 20 next Session of Parliament; and after the expiration of the said period, of *Five Years* and of the then next Session of Parliament, so much of this Act as authorizes any such appointment shall cease.

5.  
Appoint-  
ments under  
this Act  
limited to  
*Five Years*.

And be it Enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury to direct a salary,  
 25 not exceeding by the year, to be paid to one of the Commissioners for the time being appointed under this Act, but, except as aforesaid, no salaries shall be paid to the Commissioners in respect of their appointments under this Act, and the allowances to the Assistant Commissioners, and the salaries of the Secretary, Clerks,  
 30 Messengers and other officers to be appointed under this Act, shall be from time to time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three of them: Provided always, That the allowance to an Assistant Commissioner shall not exceed the sum of  
 35 for every day he shall be actually employed or travelling in the performance of the duties of his office: Provided also, That the said Lord High Treasurer or Commissioners may allow to any Commissioner, Assistant Commissioner, Secretary, Clerk, Messenger or other officer, such reasonable travelling and other expenses as may be incurred by him in the performance of his duties under this Act, in addition to his salary or allowance (if any) respectively.

6.  
Salaries and  
Allowances.

7.  
Allowances  
and Salaries  
to be paid out  
of the Consol-  
idated Fund.

And be it Enacted, That the allowances and salaries of such Commissioner, Assistant Commissioners, Secretary, Clerks, Messengers and officers as aforesaid, and all other incidental expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord Treasurer or the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

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8.  
Commis-  
sioners and  
Assistant  
Commis-  
sioners to  
make a  
Declaration.

And be it Enacted, That every Commissioner shall, before he shall enter upon the execution of his office, make the following declaration before one of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

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" I, do solemnly declare that I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute the powers and duties of a Commissioner, under an Act passed in the year of the reign of Queen VICTORIA, intituled, [here set forth the title of this Act]:"

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And every Assistant Commissioner shall, before he shall enter upon the execution of his office, make the like declaration (substituting the words " Assistant Commissioner" for the word " Commissioner,") before such Judge or Baron, or before any Two Justices of the Peace for the county, riding, division, liberty or jurisdiction wherein such Assistant Commissioner shall be resident at the time of his appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the appointment of every such Commissioner and Assistant Commissioner, with the time when, and the name or names of the Judge, Baron, Justices or Master Extraordinary before whom he shall have made the declaration aforesaid, shall be forthwith published in the London Gazette.

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9.  
Documents  
of the Tithe  
Commission-  
ers may be  
used.  
Power to  
summon  
Witnesses.

And be it Enacted, That all awards, apportionments, agreements, writings and maps in the custody of the Tithe Commissioners for England and Wales shall be open to the use and inspection of the Inclosure Commissioners for England and Wales, or any person by them authorized, and such copies of or extracts from such awards, apportionments, agreements, writings and maps as the Commissioners shall require, shall be furnished to them for the purposes of this Act; and that the Commissioners or any Assistant Commissioner, or any Valuer acting in the matter of an Inclosure under this Act, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter relating to any Inclosure or proposed Inclosure, or other proceeding under the authority of this Act; and also make any inquiries and call for any answer or return as to any such matter; and also administer or receive declarations, and examine all such persons upon declaration,

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declaration, and cause to be produced before them or him, upon declaration, all court-rolls and all rate-books, instruments of tithe apportionment and other public writings, maps, plans and surveys of or belonging to any parish, or copies thereof respectively in anywise  
 5 relating to any such matter: Provided always, That no such person shall be required, in obedience to any such summons, to travel more than *Ten Miles* from the place of his abode, or to attend in obedience to any such summons, unless the reasonable charges of his attendance shall have been paid or tendered to him.

10 And be it Enacted, That the Commissioners may delegate to the Assistant Commissioners, or to any One or more of them, such of the powers hereby given to the Commissioners as the Commissioners shall think fit (except the power to confirm awards, or to do any act herein required to be done under the seal of the  
 15 Commissioners), and the power so delegated shall be exercised under such regulations as the Commissioners shall direct; and the Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by  
 20 any such Assistant Commissioner in pursuance of such delegated power shall be obeyed by all persons as if they had proceeded from the Commissioners, and the non-observance thereof shall be punishable in like manner.

10.  
 Commis-  
 sioners may  
 delegate  
 powers to  
 Assistant  
 Commis-  
 sioners.

And be it Enacted, That all such Lands as are hereinafter men-  
 25 tioned; (that is to say) all Moors, Commons and Waste Lands, all Lands subject to rights of Common at all times, or during any time or season, or periodically, all open and common Arable Fields, all open and common Meadow or Pasture Lands and Fields, all gated and stinted Pastures in which the property of the soil or of some  
 30 part thereof is in the owners of the cattle-gates and other gates or stints, or any of them, and also all gated and stinted Pastures in which no part of the property of the soil is in the owners of the cattle-gates or other gates or stints, or any of them, all Land held, occupied or used in common, either at all times, or during any time or season,  
 35 or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds or otherwise distinguishable; all Land in which the property or right of or to the vesture or herbage or any part thereof during the whole or any part of the year  
 40 is separated from the property of the soil; and all lot Meadows and other Lands, the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be Land subject to be inclosed under this Act.

11.  
 Descriptions  
 of Land  
 subject to be  
 inclosed  
 under this  
 Act.

12.  
Wastes of  
Manors and  
Lands subject  
to indefinite  
common  
rights at all  
times not to  
be inclosed  
without pre-  
vious direction  
of Parliament.

Provided always, and be it Enacted, That no Waste Land of any Manor on which the tenants of such manor have rights of common, nor any Land whatsoever subject to rights of common which may be exercised at all times of the year for cattle levant and couchant upon other Land, or to any rights of common which may be exercised at all times of the year, and which shall not be limited by number or stints, shall be inclosed under this Act without the previous direction of Parliament in each particular case; and no Royal Forest, nor any part thereof, shall be deemed Land subject to be inclosed under this Act.

13.  
Land within  
certain dis-  
tances of  
large towns  
not to be  
inclosed  
without the  
previous  
direction of  
Parliament.

Provided also, and be it Enacted, That no Land situate within Ten Miles of the city of London or within Two Miles of any city or town of Ten thousand inhabitants, or within Two Miles and a Half of any city or town of Twenty thousand inhabitants, or within Three Miles of any city or town of Thirty thousand inhabitants, or within Three Miles and a Half of any city or town of Seventy thousand inhabitants, or within Four Miles of any city or town of One hundred thousand inhabitants, shall be subject to be inclosed under the provisions of this Act, without the previous direction of Parliament in each particular case, upon such report of the Commissioners as herein provided, and in all such cases the number of inhabitants shall be ascertained by the then last Parliamentary Census thereof, and that the distance shall be measured in a direct line from the town-hall, if there shall be any town-hall, or if there shall be no town-hall, then from the cathedral or church if there shall be only one church, or if there shall be more churches than one, then from the principal market-place of any such city or town.

14.  
Village greens  
not to be  
inclosed, but  
provision may  
be made for  
preserving the  
surface and  
fixing bound-  
aries.

And be it Enacted, That no town green or village green shall be subject to be inclosed under this Act, provided that in every case in which an inclosure of Lands in the parish in which such town green or village green may be situate shall be made under the authority of this Act, it shall be lawful for the Commissioners, instead of requiring that other Land be allotted for the purposes of exercise and recreation under the provisions contained, to direct that such town green or village green be allotted to the Churchwardens and Overseers of the Poor of such parish, in trust to allow the same to be used for the purposes of exercise and recreation, and the same shall be allotted and awarded accordingly, in like manner and with the like provisions for making or maintaining the fences thereof, and preserving the surface thereof, and draining and levelling the same where occasion shall require as hereinafter directed, concerning the allotments to be made for the purpose of exercise and recreation; and in every case in which such town green or village green shall adjoin Land subject to be inclosed under this Act, and shall not be separated from such Land by

by fences or known bounds, the Commissioners shall in the provisional order concerning such Inclosure set out a boundary line between such green and the adjoining Land, and shall in their annual general report mention and describe such boundary.

- 5 And be it Enacted, That for the purposes of this Act, the persons interested in Land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, shall be deemed to be the persons hereinafter mentioned, and no others ; (that is to say) the persons who shall be in the actual possession or enjoyment
- 10 or receipt of the rents and profits of any such Land or any part thereof, or any Common or common right thereon, or any Manor of which such Land or any part thereof shall be waste, (except any tenant for life or lives or for years holding under a lease or agreement for a lease on which a rent of not less than *Two-thirds* of the clear yearly
- 15 value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded *Fourteen* Years from the commencement thereof, and except any tenant from year to year at will or sufferance,) and that without regard to
- 20 the real amount of interest of such persons ; and in every case in which any such Land, Common or common right or Manor shall have been leased or agreed to be leased to any person or persons for life or lives or for years by any lease or agreement for a lease on which a rent of not less than *Two-thirds* of the clear yearly value of the
- 25 premises comprised therein shall have been reserved ; and in every case in which any such Land, Common or common right or Manor shall be in the possession of a tenant from year to year at will or sufferance, or shall have been leased or agreed to be leased for a term which shall not have exceeded *Fourteen* Years from the commencement thereof,
- 30 the person who shall for the time being be entitled to the said Land, Common or common right or Manor in reversion immediately expectant on the term created or agreed to be created by such lease or agreement for a lease respectively, or subject to the tenancy from year to year at will or sufferance, shall be deemed for the purposes of this Act to
- 35 be the person interested as aforesaid in respect of such Land, Common or common right or Manor ; and in every case in which any such Land, Common or common right or Manor as aforesaid shall have been leased or agreed to be leased to any person for life or lives or for years by any lease or agreement for a lease, in which a rent less than
- 40 *Two-thirds* of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded *Fourteen* Years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease, shall, jointly, with the person who shall be liable to the payment of such rent of such Land, Common or

15.  
Persons  
interested in  
Lands for  
purposes of  
applications,  
&c.

common right or Manor be deemed, for the purposes of this Act, to be the person interested in respect of such Land, Common or common right or Manor respectively; and in every case in which any person shall be in possession or enjoyment or receipt of the repts or profits of any such Land, Common or common right or Manor under any sequestration, extent, elegit or other writ of execution, or as a receiver under any order of a Court of Equity, the person who, but for such writ or order, would have been in possession, enjoyment or receipt of the rents and profits shall, jointly with the person in possession, enjoyment or receipt, by virtue of such writ or order, be deemed, for the purposes of this Act, to be the person interested in respect of such Land, Common or common right or Manor respectively.

16.  
Where the  
Crown is  
interested,  
who shall be  
substituted.

And be it Enacted, That whenever Her Majesty shall be interested in Land as aforesaid, the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, or in case Her Majesty shall be so interested in right of the Duchy of Lancaster, the Chancellor of the Duchy of Lancaster shall for the purposes of this Act, and to the extent of such respective interest, be substituted for the person interested as aforesaid.

17.  
Where Duke  
of Cornwall  
is interested,  
who shall be  
substituted.

And be it Enacted, That whenever the Duke of Cornwall shall be interested in Land as aforesaid, the Chancellor of the Duchy of Cornwall shall for the purposes of this Act, and to the extent of such interest, be substituted instead of the person interested as aforesaid.

18.  
Provision  
for persons  
jointly  
interested.

And be it Enacted, That whenever an interest in Land, according to the provisions of this Act, shall be vested in several persons as co-trustees or in joint tenancy, such persons shall for the purposes of this Act be considered as jointly interested and entitled to one vote only in respect of their joint interest, but any One or more of such persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act, and the majority in number of any such persons may, notwithstanding any dissent of the minority, act or vote under this Act in the same manner as if all such persons had concurred; and whenever several persons as tenants in coparcenary or in common shall be so interested, each coparcener or tenant in common shall for the purposes of this Act, and to the extent of the value of his respective undivided share, be deemed separately interested and entitled to vote as if he were tenant in severalty.

19.  
In case of dis-  
ability Com-  
missioners to  
name substi-  
tutes.

And be it Enacted, That whenever any person interested in Land as aforesaid shall be an infant, lunatic, idiot, feme covert, or under any other legal disability, or beyond the seas, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners,

Commissioners, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such person so interested

And be it Enacted, That it shall be lawful for any person interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, by a Power of Attorney, given in writing under his hand, to appoint an agent to act for him for the purposes of this Act; and all things which by this Act are directed to be done by or with relation to any such person may be lawfully done by or with relation to the agent so duly authorized of such person; and every such agent shall have full power, in the name and on behalf of his principal, to sign, concur in and execute any application, or act, to signify consent or dissent, and to vote on any question arising out of the execution of this Act; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the Power of Attorney under which the agent shall have acted, or a copy thereof, authenticated by the signature of a witness or witnesses, shall be deposited in the office of the Commissioners; and any such Power of Attorney may be in the form following :

“ I, \_\_\_\_\_ of \_\_\_\_\_ do hereby appoint \_\_\_\_\_ of \_\_\_\_\_ to be my Attorney for all the purposes of \_\_\_\_\_ an Act passed in the \_\_\_\_\_ years of Her present Majesty, intituled, \_\_\_\_\_.”

Provided always, and be it Enacted, That the proportional value of the respective interests of the several persons interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, shall, so far as relates to the power to sign any application, or to give any notice or consent, or to vote at any meeting under this Act, be estimated as hereinafter mentioned; (that is to say) where their interests shall be in respect of Land or other rateable property, then according to the proportional sums at which such Land or rateable property shall be rated to the relief of the poor; and when their interests shall be in respect of rights of Common enjoyed or claimed in respect of any Land, then according to the proportional sum at which the Land in respect of which they enjoy or claim such rights of Common shall be rated to the relief of the poor; but in case such interests shall be in respect of rights of Common in gross not rated to the relief of the poor, or in case from any other cause it shall appear to the Commissioners, or to the Assistant Commissioner presiding at any meeting, held for the purposes of this Act, impracticable or inequitable to estimate such proportional value in manner aforesaid, it shall be lawful for the Commissioners or such Assistant Commissioner to direct in what

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manner

20.  
Attornies  
may be ap  
pointed by  
persons  
interested.

Form of  
Power.

21.  
Proportional  
interests,  
how esti-  
mated.

manner such proportional value shall be estimated, regard being had to the circumstances of each particular case.

22.  
Power to  
equalize As-  
sessments for  
estimating  
proportional  
value.

Provided also, and be it Enacted, That in case the Land subject to be inclosed under this Act, or the Lands or tenements in respect of which rights of Common therein may be claimed shall be situate in more than one parish, and it shall appear to the Commissioners that the assessments to the poor-rate of the respective parishes in which such Land is situate are calculated upon different principles, it shall be lawful for the Commissioners, on the application of any persons interested in such Land, to direct that for the purposes of this Act the respective assessments shall be deemed to be increased or decreased in such proportions as the Commissioners shall think fit. 5 10

23.  
Proportional  
interests of  
Lords of  
Manors.

And be it Enacted, That the proportional value of the interest of the Lord of a Manor, interested as Lord in any Land subject to be inclosed under this Act, or in case there shall be several Lords of a Manor, or Lords of several Manors so interested in any Land subject to be inclosed under this Act, the proportional value of the respective interests of such Lords shall, for the purposes aforesaid, be estimated in such manner as the Commissioners may direct. 15

24.  
Commission-  
ers to frame  
forms of  
applications,  
&c.

And be it Enacted, That the Commissioners shall frame and cause to be printed and circulated as they shall see occasion, forms indicating the particulars of the information to be furnished to the Commissioners by persons proposing to inclose Land under the provisions of this Act, with reference to the extent and nature of the Land to be inclosed, to the mines, minerals or valuable strata (if any) under the same, to the questions of boundary (if any) concerning such Land or such mines, minerals or strata, to the numbers and occupations of the inhabitants of the parish or place, to its vicinity to or distance from any city or town or populous district, to the parties interested in the proposed Inclosure, and the numbers who have assented to or dissented from the application, to the nature of the rights which require the interference of Parliament, to the supposed advantages of the proposed Inclosure, to the allotments (if any) proposed to be made for exercise and recreation and for the labouring poor, and to the allotment (if any) agreed on or proposed to be made to the Lord of the Manor, in case the Lord of the Manor shall be entitled to the soil of the Land proposed to be inclosed in respect of his right and interest therein, and such other information as in the judgment of the Commissioners may assist them in forming an opinion on such application, and also such other forms as the Commissioners may deem requisite or expedient for facilitating proceedings under this Act. 20 25 30 35 40

25.  
Upon appli-  
cation to the  
Commission-  
ers, an  
Assistant  
Commissioner  
to inquire

And be it Enacted, That any persons interested in Land subject to be inclosed, and proposing to inclose the same under this Act, may make application to the Commissioners to sanction such Inclosure, or to certify in their annual general Report the expediency of such Inclosure, 45

sure, as the case may require ; and in case the Commissioners shall, on the statements contained in such application, think that the inclosure of such Land, or of some part thereof, may be found to be expedient, they shall refer such application to an Assistant Commissioner, who shall  
 5 inspect the Land proposed to be inclosed, and inquire into the correctness of the statements in such application, and otherwise into the expediency of the proposed Inclosure ; and such Assistant Commissioner shall hold a meeting or meetings to hear objections which may be made to the proposed Inclosure, and any information or evidence which may be  
 10 offered in relation thereto, and may adjourn such meetings respectively, and shall cause notice to be given on the church door of the parish in which the Land proposed to be inclosed, or the greater part thereof, shall be situate, and also a like notice to be given, by advertisement, of the time and place of every such meeting *Fourteen Days* at least  
 15 before every such meeting (meetings by adjournment only excepted).

into the expediency of proposed Inclosure.

And be it Enacted, That the Assistant Commissioner to whom such application shall be referred, shall report in writing to the Commissioners the result of his inquiries, as to the statements contained in the application, and his opinion as to the expediency or in expediency of the proposed Inclosure, with the reasons for such opinion ;  
 20 and in case he shall think such Inclosure expedient, he may specify any terms or conditions which may appear to him to be proper for the protection of any public interests, and of any mineral property or peculiar rights in relation to the Land proposed to be inclosed, and shall  
 25 annex to his report a map or sketch of the Land proposed to be inclosed, and in case allotments for exercise and recreation or for the labouring poor should be made in the proposed Inclosure, such sketch shall show the place in which it shall appear to him that such allotments should be made.

26.  
Assistant Commissioner to report on application.

And be it Enacted, That if on the report of the Assistant Commissioner, or after any further inquiries they shall think necessary in relation thereto, the Commissioners shall be of opinion, having regard as well to the health, comfort and convenience of the inhabitants of any neighbouring cities, towns, villages or populous places as to the  
 30 advantage of the proprietors of the Land to which such application shall relate, that the proposed Inclosure would be expedient, the Commissioners, by provisional order under their seal, shall set forth the terms and conditions on which they shall be of opinion that the Inclosure should be made, and especially the quantity and situation of the  
 35 allotments (if any) which, under the provisions of this Act, should be appropriated for the purposes of exercise and recreation and for the labouring poor, and in case the Lord of the Manor shall be entitled to the soil of the Land proposed to be inclosed, shall specify the share or proportion of the residue of the Land which, after provision made

27.  
Commissioners to embody the conditions of proposed Inclosure in a provisional order, and to take consents of parties interested.

for the payment of expenses, in case the expenses shall under the provisions hereinafter contained be so directed to be paid by sale of land, and after deducting the allotments to be made for public purposes, should be allotted to the Lord of the Manor in respect of his right and interest in the soil, either exclusively or inclusively of his right or interest in the mines or minerals under such Land, or inclusively or exclusively of any right of pasturage which may have been usually enjoyed by such Lord or his tenants, or any other right or interest of such Lord in the Land to be inclosed, as the case may appear to the Commissioners to require, or as the parties interested, with the approbation of the Commissioners, may have agreed ; and in case there shall be any mineral property or any rights in relation thereto not vested in the Lord of the Manor, or other rights which shall appear to the Commissioners proper to be specially provided for upon such Inclosure, or to be excepted from the operation thereof, shall specify the provisions or exceptions which should be made in that behalf ; and the Commissioners shall thereupon cause notice to be given of their intention to authorize the proposed Inclosure, or (as the case may be) to certify in their annual general Report the expediency of the proposed Inclosure, but upon the terms and conditions in such order expressed, and in case the consents required by this Act should be given within the time in such notice specified, or within any enlarged time which the Commissioners may allow for that purpose ; and the Commissioners shall cause to be deposited for inspection a copy of such provisional order in or near the parish or place in which the Land proposed to be inclosed, or some part thereof, shall be situate, and may, in case they shall think fit, cause meetings to be holden by an Assistant Commissioner for the purpose of taking consents or dissents, or of ascertaining the interests of consenting or dissenting parties, or give such directions as to the mode of taking and verifying consents as they shall think fit ; and in case it shall appear to the satisfaction of the Commissioners that persons, the aggregate amount of whose interests in the Land proposed to be inclosed shall not be less in value than *Two-thirds* of the whole interest in such Land, and the other persons, if any, whose consents may be necessary under the provisions hereinafter contained shall have consented to such Inclosure upon the terms and conditions in such order expressed, then, if the Land proposed to be inclosed cannot be inclosed under this Act without the previous direction of Parliament, the Commissioners shall in their next annual general report certify their opinion that the proposed Inclosure would be expedient, with such particulars in relation thereto, or to the terms and conditions aforesaid as they shall think necessary ; and in case the Land proposed to be inclosed shall be Land to the Inclosure, of which under this Act the previous direction of Parliament is not hereby required, the Commissioners shall cause notice to be given on the church door, and by advertisement, of their intention

intention to proceed with such Inclosure under the provisions herein contained.

And be it Enacted, That when it shall appear to the Commissioners that Land proposed to be inclosed under this Act shall  
 5 be in part a tract of open and common Arable, Meadow or Pasture Lands or Fields, and in part a tract of Common or Waste Lands, subject to rights of Common, or shall otherwise consist of separate and distinct tracts subject to separate and distinct rights or classes of rights; and the persons interested in one of such tracts  
 10 shall not be all interested in the other of them, it shall be lawful for the Commissioners to ascertain whether persons interested in each of such tracts whose interest shall not be less than *Two-thirds* in value of the whole interest therein, shall consent to the proposed Inclosure on the terms and conditions in their provisional  
 15 order specified, and in case it shall thereupon appear that such proportion in value of the persons interested in any such tract as aforesaid shall not have consented, the said Commissioners shall not proceed further under this Act in respect of such tract, or certify in their annual general Report the expediency of the inclosure thereof,  
 20 unless or until persons interested therein whose interest shall not be less than *Two-thirds* shall have consented thereto.

28.  
Separate applications for separate tracts.

Provided always, and be it Enacted, That when the Land to which such application shall relate shall be the Waste of any Manor or Land within any Manor to the soil of which the Lord of such Manor shall  
 25 be entitled in right of his Manor, then unless there shall be some action, suit or controversy as to the title of such Manor, or the title of the Lord of such Manor to such Waste or Land, or there shall be conflicting claims to such Waste or Land, or there shall be more than one person interested in such Manor, according to the definition of this Act, the Commissioners shall not proceed to an Inclosure on such application, or certify in their annual general Report the expediency thereof, unless the person interested in the Land subject to be inclosed as aforesaid in right of such Manor, or his substitute under this Act, shall consent to such Inclosure; and where  
 30 there shall be more than one person interested in such Manor, the Commissioners shall not proceed to an Inclosure, or certify as aforesaid the expediency thereof, in case such persons, or the majority of such persons in respect of interest, shall signify their dissent within the time limited by the Commissioners.

29.  
Consent of the Lord of the Manor.

And be it Enacted, That in the provisional order of the Commissioners concerning the Inclosure under the provisions of this Act of any Waste Land of any Manor on which the tenants of such Manor have rights of Common, or of any other Land subject to rights of Common  
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30.  
Allotments for exercise and recreation may be required as conditions of Inclosure.

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which

which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised at all times of the year and which shall not be limited by number or stints, it shall be lawful for the Commissioners, if they shall so think fit, to require, and in their provisional order to specify as one of the terms and conditions of such Inclosure, the appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood not exceeding the quantity hereinafter mentioned applicable to each case; that is to say, where the Land to be inclosed shall be situate in any parish the population of which, according to the then last previous Parliamentary Census, shall amount to or exceed Ten thousand persons, Ten acres; where the Land to be inclosed shall be situate in any parish the population of which, according to such Census, shall amount to or exceed Five thousand persons and be less than Ten thousand persons, Eight acres; and where the Land to be inclosed shall be situate in any parish the population of which, according to such Census, shall amount to or exceed Two thousand persons and be less than Five thousand persons, Five acres; and in every case except as aforesaid, Four acres.

31.  
Allotments  
for labouring  
poor.

And be it Enacted, That in the provisional order of the Commissioners concerning the Inclosure under the provisions of this Act of any Waste Land of any Manor on which the tenants of such Manor have rights of Common, or of any Land whatsoever subject to rights of Common which may be exercised at all times of the year for cattle levant and couchant as aforesaid, or to any rights of Common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners, if they shall so think fit, to require and specify as one of the terms and conditions of such Inclosure, the appropriation of such an allotment for the labouring poor as the Commissioners shall think necessary with reference to the circumstances of each particular case, such allotment, nevertheless, to be subject to a rent-charge, to be payable thereout to any person or persons who may be entitled to allotments under such Inclosure as hereinafter provided.

32.  
Acts for the  
Inclosure of  
Lands in pur-  
suance of the  
reports of the  
Commission-  
ers to be  
deemed public  
general Acts.

And be it Enacted, That in case by any Act of Parliament hereafter to be passed, it shall be enacted, that the Inclosures, the expediency of which shall have been certified by the Commissioners in their annual general Report as aforesaid, or any of them, be proceeded with, the same shall in every case be proceeded with and completed according to the provisions of this Act, and on the terms and conditions in the provisional order of the Commissioners specified in that behalf, and every such Act of Parliament hereafter to be passed containing such enactment as aforesaid shall be deemed a public general Act.

And

And be it Enacted, That as soon as conveniently may be after the passing of any Act of Parliament by which any Inclosure shall be directed to be proceeded with under the provisions of this Act, or (in the case of Land subject to be inclosed under this Act without the previous direction of Parliament), as soon as conveniently may be after the expiration of Thirty Days from the publication by the Commissioners of the notice of their intention to proceed with an Inclosure under this Act, the Commissioners shall call a meeting of the persons interested in the Land to be inclosed, of which *Twenty-one* Days' notice shall be given by advertisement, to be held for appointing a Valuer to divide, set out and allot such Land, or so much thereof as shall not be directed to be set out for public purposes, among the persons interested therein, and to set out, divide and improve in such manner as hereinafter mentioned, so much thereof as shall be directed to be set out for public purposes, and the Commissioners, if they shall so think fit, may appoint an Assistant Commissioner to be present and to preside at such meeting, and to take the votes of the persons present thereat; and the persons or their agents present at the meeting, or the majority in number, and the majority in respect of interest, may appoint a Valuer; and in case the majority in number and the majority in respect of interest shall not agree upon the appointment, then the Commissioners shall appoint a Valuer.

33.  
Meeting for  
appointing  
Valuer.

And be it Enacted, That at the meeting for appointing a Valuer, or at some other meeting called by the Commissioners for the purpose, the persons present by themselves or their agents at such meeting, or the majority in number and in respect of interest of such persons, may resolve upon instructions to the Valuer not inconsistent with the terms and conditions of the provisional order of the Commissioners and of any Act hereafter to be passed by which the Inclosure may have been authorized for the appropriation of parts of the Land proposed to be inclosed for such public purposes as hereinafter mentioned or any of them; that is to say, for the formation of public roads and ways for widening or improving existing public roads and ways; for a supply of stone, gravel or other materials for the repairs of the roads and ways within the parish in which such Land shall be situate; for the formation of such public drains, watercourses or embankments as may appear conducive to the health and advantage of such parish or the neighbourhood; for the formation or improvement of public ponds, wells and watering-places; for a place of exercise and recreation for the inhabitants of the neighbourhood; for allotments or field-gardens for the labouring poor; for a supply of fuel for the poor or other inhabitants of such parish; for Land for any burying-ground, or enlarging any burying-ground; for the site of any church or chapel, parsonage-house, school, workhouse or garden to be attached thereto respectively, or for any other purpose of public utility or convenience, or for the general convenience or accommodation

34.  
Instructions  
to Valuer.

accommodation of the persons interested in the Land to be inclosed ;  
 and also, upon instructions to such Valuer, for the formation, altera-  
 tion or improvement on the Land to be inclosed of private or occu-  
 pation roads and ways, common ponds, ditches, watercourses,  
 embankments, tunnels, bridges and fences, or any of them, or any 5  
 other works for the improvement of such Land, or for the convenience  
 of the occupiers of the respective allotments thereof ; and also for  
 the adoption and use for the purposes of the Inclosure of a copy of  
 any map or plan which shall have been confirmed under the hands  
 and seal of the Tithe Commissioners of the Land in question, or of any 10  
 other map or plan of the accuracy of which the Inclosure Commissioners  
 shall be satisfied, or for making any new survey, map or plan, and as to  
 all other matters and things which may be proper to be done in the matter  
 of the Inclosure, and also for the raising and payment of all expenses  
 incident to such Inclosure, either by sale of part of the Land proposed to 15  
 be inclosed, or by such rate as hereinafter provided, as to the persons pre-  
 sent at such meeting, or such majority as aforesaid, shall seem fit ; or in  
 case the majority in number and not less than *Four-fifths* in value of  
 interest of the persons present at such meeting shall resolve on a sale of  
 all the land proposed to be inclosed, except such part thereof as shall 20  
 have been directed to be set out for public purposes, then it may be  
 an instruction to the Valuer to proceed to such sale ; and the ma-  
 jority in number and value as aforesaid may make any agreement with  
 the Valuer for the payment of such Valuer for the duties to be per-  
 formed by him under this Act ; and all such instructions and such 25  
 agreement (if any) shall be reduced into writing, and shall be sent by  
 the Assistant Commissioner (if any) present at the meeting, or other-  
 wise by the Chairman of the meeting to the Office of the Commis-  
 sioners ; and it shall be lawful for the Commissioners, having regard to  
 the protection of the rights of all persons interested in the Inclosure, 30  
 to allow or disallow such instructions, in whole or in part, or to make  
 such alterations therein or additions thereto, not inconsistent with the  
 terms and conditions of such provisional order and Act as aforesaid,  
 and to allow or disallow such agreement, as they shall think proper ;  
 and in case no instructions shall have been so resolved upon, and sent 35  
 to the Commissioners, or in case they shall disallow the instructions so  
 resolved upon and sent, it shall be lawful for the Commissioners to  
 frame such instructions as they shall think proper, not inconsistent  
 with the terms and conditions of such provisional order and Act as  
 aforesaid ; and in case no such agreement shall have been sent, or the 40  
 agreement sent shall have been disallowed, it shall be lawful for the  
 Commissioners to make such order for the payment of the Valuer as  
 they shall think proper ; and a copy, under the seal of the Commis-  
 sioners of all such instructions as the same shall have been allowed,  
 altered or framed as aforesaid, shall be delivered to the Valuer, with a  
 copy of such provisional order and Act of Parliament (if any) as afore-  
 said,

said, and the Valuer shall in his proceedings in such Inclosure observe and obey the directions and declarations of such provisional order, act and instructions respectively.

And be it Enacted, That no Valuer shall be capable of acting until he shall have made and subscribed before the said Commissioners or some Assistant Commissioner, Justice of the Peace, or Master Extraordinary in Chancery, the following Declaration; (that is to say)

35.  
Form of Declaration by Valuer.

“ I, do solemnly declare that I will faithfully, impartially and honestly, according to the best of my skill and judgment, perform all the duties of a Valuer in the Inclosure of according to the provisions of an Act passed in the year of the reign of Her Majesty Queen VICTORIA, intituled ”

Which Declaration it shall be lawful for the Commissioners or any Assistant Commissioner, Justice, or Master Extraordinary in Chancery to administer; and every such Declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the Office of the Commissioners; and a certificate, under the seal of the Commissioners, that the person named in such certificate has been appointed a Valuer in the matter of an Inclosure, and has made and subscribed the Declaration required by this Act, shall be conclusive evidence of such appointment and of his having made and subscribed such Declaration.

And be it Enacted, That in case it shall be represented to the Commissioners by the Valuer acting in the matter of any Inclosure, that the boundaries of any parish in which the Land proposed to be inclosed or any part thereof shall be situate, and of any parish adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for the Commissioners or any Assistant Commissioner by them appointed for that purpose, after giving such notices as they or he shall think necessary for the protection of the rights of all persons interested in this behalf, to ascertain and set out the same respectively in writing under the hand and seal of such Assistant Commissioner, or under the seal of such Commissioners; and after the said boundaries shall be so ascertained and set out and fixed, the same shall and are hereby declared to be the boundaries of such parishes; and the Commissioners or Assistant Commissioner shall within *One calendar Month* after ascertaining and setting out the boundaries, publish the same by causing a description thereof in writing to be delivered to or left at the place of abode of one of the Churchwardens or Overseers of the poor of each of the parishes of which the boundary shall be so set out, and shall give notice that such boundary has been so set

36.  
Power to set out Boundaries of Parishes.

Appeal on  
questions of  
Boundary.

out, and that such description has been so left as aforesaid, by advertisement: Provided always, That any person interested in the determination of the Commissioners or Assistant Commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may within *One calendar Month* next after publication 5 of the said boundaries, by delivering or leaving such description as aforesaid, give notice in writing of his dissatisfaction to the Commissioners, specifying the particulars in respect whereof he may be dissatisfied, and request that the matter in dispute may be submitted to the determination of a jury; and in every such case the Commissioners 10 shall and they are hereby required to issue a warrant under their hands and seal to the sheriff of the county in which the parishes in question or one of them shall be situate, commanding such sheriff to impanel, summon and return, and such sheriff is hereby accordingly empowered and required to impanel, summon and return a jury of at least 15 Eighteen sufficient and indifferent men qualified according to the laws of the realm to be returned for trial of issues in Her Majesty's Courts of Record at Westminster; and the persons so to be impaneled, summoned and returned are hereby required to appear before any Assistant Commissioner specially appointed by the Commissioners for that 20 purpose at such time and place as in such warrant shall be appointed, and to attend from day to day until duly discharged; and out of such persons so to be impaneled, summoned and returned, a jury of Twelve men shall be drawn by the said Assistant Commissioner, or by some person to be by him appointed, in such manner as juries for trials of 25 issues joined in Her Majesty's Courts of Record at Westminster are by law directed to be drawn; and in case a sufficient number of jurymen shall not appear at the time and place so to be appointed as aforesaid, such sheriff shall return other honest and indifferent men of the standers-by, or of others that can speedily be procured to 30 attend that service (being so qualified as aforesaid), to make up the said jury to the number of Twelve; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said Assistant Commissioner is hereby empowered and required to summon before him 35 all persons who shall be thought necessary to be examined as witnesses touching the matter in question, and may authorize or order the said jury, or any Six or more of them, to view the boundaries or the part thereof which is in controversy, and such jury shall upon their oaths, or, being Quakers, upon their affirmations 40 (which oaths and affirmations, as well as the oaths and affirmations of all such persons as shall be called upon to give evidence, the said Assistant Commissioner is hereby empowered and required to administer), inquire into and ascertain the said boundaries, or such part thereof as shall have been in controversy, and shall declare whether the said boundaries as described and set out and published as aforesaid

said are or are not the true boundaries of the respective parishes, and in case they shall declare that the same are not the true boundaries, then shall declare in what manner the boundaries so described and set out and published as aforesaid ought to be amended, and shall give verdict  
 5 accordingly, and the Assistant Commissioner shall reduce such verdict to writing and certify the same to the Commissioners, under his hand and seal ; and in case such jury shall have declared that the boundaries so described and set out and published as aforesaid ought to be amended, the Commissioners shall amend the same in accordance  
 10 with such verdict, and such amended boundaries shall thenceforth be conclusive on all persons whomsoever.

And be it Enacted, That if any person so summoned and returned upon any such jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being a Quaker, to make affirmation,  
 15 or shall refuse to give his verdict, or shall in any other manner wilfully neglect his duty contrary to the true intent and meaning of this Act ; or if any person so summoned to give evidence as aforesaid shall not appear on being paid or tendered a reasonable sum for his costs and expenses, or appearing shall refuse to be sworn, or, being a Quaker,  
 20 affirmed, or to give evidence, every person so offending, having no reasonable excuse, to be judged of and determined by the said Assistant Commissioner, shall forfeit and pay for every such offence any sum not exceeding *Ten Pounds* ; all which said penalties and forfeitures shall and may be recovered as penalties and forfeitures are recoverable  
 25 under this Act.

And be it Enacted, That every such jury and jurymen as aforesaid shall also be subject to the same regulations, pains and penalties as if such jury and jurymen had been returned for the trial of any issue joined in any of Her Majesty's Courts of Record at Westminster.

And be it Enacted, That in every case in which the verdict of a jury shall be given in favour of the person who shall have requested that such jury be summoned, all the costs of summoning such jury and the expenses of witnesses shall be defrayed by the Commissioners, and shall be expenses in the Inclosure in the matter of  
 30 which the question shall have arisen, and such costs and expenses shall be settled and determined by the said Assistant Commissioner as aforesaid ; but if the verdict of the jury shall be given against such person, the said costs and expenses shall be defrayed by such person ; and in case such costs and expenses shall not be paid to the party entitled  
 35 to receive the same within *Ten Days* after the same shall have been demanded, then the same shall and may, by warrant of the Commissioners directed to any person or persons whomsoever, be levied by distress ; but in case such person shall have requested such jury to be  
 40 summoned,

37.  
Non-attendance of jurymen.

38.  
Juries to be subject to the Regulations concerning Juries returned to try issues in Courts of Record at Westminster.

39.  
Costs of appeal.

summoned, in pursuance of a resolution of the rate-payers of any parish in vestry assembled, the costs and expenses so paid by him shall be repaid to him by the Overseers of the Poor of such parish, out of the poor's rate, and shall be allowed in account to such Overseers.

40.  
Security for  
Costs to be  
taken by the  
Commissioners.

And be it Enacted, That every person who shall be dissatisfied 5  
and shall require a jury to be summoned as aforesaid, shall, at his own  
costs, before the Commissioners shall be obliged to issue their warrant  
for the summoning of such jury, enter into a bond with two sufficient  
sureties to the Commissioners in a sufficient penalty to prosecute the  
complaint, and to bear and pay their costs and expenses of summoning 10  
and returning such jury and taking such verdict, and of the sum-  
moning and attendance of witnesses, in case the said costs and  
expenses shall fall upon them.

41.  
Power to  
straighten  
Boundaries.

And be it Enacted, That for the purpose of shortening or rendering 15  
straight any boundary fences between the Land to be inclosed and any  
adjoining Lands, it shall be lawful for the Valuer acting in the matter  
of any Inclosure, with the consent in writing of the person interested  
in such adjoining Lands, to set out and determine the boundaries  
between the Land to be inclosed and such adjoining Land, or to  
draw and define a new line of boundary, as he shall judge proper for 20  
the purposes aforesaid ; and after such boundaries shall have been so  
set out and determined as aforesaid, or such new line of boundary  
drawn and defined, the same shall be made, fenced, ditched or mounded  
by such person, in such manner and at such times as the Valuer shall  
direct, and shall for ever thereafter be deemed the boundaries and 25  
limits of such respective Lands.

42.  
Valuer to  
hold meetings.

And be it Enacted, That the Valuer acting in the matter of any  
Inclosure, shall from time to time hold such meetings for the examina-  
tion of claims and otherwise in the matter of such inclosure as occa-  
sion shall require, and shall cause notice to be given on the church 30  
door of the parish in which the Land proposed to be inclosed, or the  
greater part thereof, shall be situate ; and also, like notice to be given  
by advertisement of the time and place of the meeting in the matter  
of such Inclosure, and of each subsequent meeting in the like manner,  
*Fourteen* Days at least before such respective meeting (meetings by 35  
adjournment only excepted), and if from any cause the Valuer shall  
think fit to adjourn or postpone any such meeting, it shall be lawful for  
him to adjourn or postpone such meeting to any future day.

43.  
Claims to be  
delivered in  
writing.

And be it Enacted, That all persons claiming any common or other  
right or interest in any Land proposed to be inclosed as aforesaid, 40  
shall deliver such claims in writing to the Valuer acting in the matter  
of such Inclosure, at such meeting as the Valuer shall appoint for the  
purpose,

purpose, stating the several particulars in respect whereof such claims are made, and distinguishing the claims in respect of freehold, copyhold, customary and leasehold property from each other, and mentioning therein the places of abode of the respective claimants or their agents  
 5 at which notices in respect of such claims may be delivered ; and no such claim shall be received by such Valuer after the last meeting to be held for that purpose (of which notice shall be given), except for some special cause to be allowed by the Commissioners.

And be it Enacted, That a statement of all claims in the matter  
 10 of any Inclosure which shall have been delivered to the Valuer acting in the matter of such Inclosure as hereinbefore provided, shall be made and deposited by him at some public place within the parish in which the Land to be inclosed, or the greater part thereof, shall be situate, *Fourteen Days* at least before the time to be appointed for the exami-  
 15 nation of such claims as hereinafter provided ; and the Valuer shall cause *Fourteen Days'* notice to be given of the time and place of the meeting for the examination of such claims and for the attendance of all parties concerned therein ; and at such meeting the Valuer shall proceed to examine into and determine such claims, and shall and  
 20 may allow or disallow the same in whole, or in part, and make such order therein as to him shall appear just ; and in case any doubts or difficulties shall arise respecting such claims, or any differences shall happen between any of the claimants touching their respective claims or the relative proportions of their rights and interests, the  
 25 Valuer shall determine the same, and shall make such order therein as to him shall appear just, which order shall be final, unless any party shall be dissatisfied with the determination of the Valuer, and shall give notice, as hereinafter provided, of his desire to have the claim or matter heard and determined by the Commissioners or an  
 30 Assistant Commissioner, or in case the Commissioners shall think fit to revise such determination under the power hereinafter contained.

44.  
Statement of  
Claims to be  
deposited for  
examination.

Claims to be  
heard and  
determined  
by Valuer,  
subject to  
appeal to  
Commission-  
ers.

Provided also, and be it Enacted, That nothing in this Act contained shall extend to enable the Valuer or the Commissioners or any Assistant Commissioner to determine the title of any Lands or  
 35 to determine any right between any parties contrary to the actual possession of any such party (except in cases of encroachment, as hereinafter mentioned), but in case the Valuer or the Commissioners or Assistant Commissioner shall be of opinion against the rights of the party in possession, they or he shall forbear to make any determina-  
 40 tion thereupon until the possession shall have been given up by such party or recovered from him in due course of law ; or where the circumstances shall admit, such Valuer, or the Commissioners or Assistant Commissioner may declare what right is appendant or appurtenant to any Land or hereditament, or otherwise declare by

45.  
Titles not to  
be determined  
by Valuer,  
Commission-  
ers or Assist-  
ant Commis-  
sioners.

any sufficient description the rights of the owner for the time being of any Land or hereditament, without declaring by name who may be the actual owner of such Land or hereditament.

46.  
Provisions for  
encroach-  
ments within  
Twenty  
Years.

And be it Enacted, That all encroachments and Inclosures other than Inclosures duly authorized by the custom of any manor of which such Land shall be parcel, or otherwise according to law, which shall have been made by any person from or upon any part of the Land proposed to be inclosed, within *Twenty* Years next before the first meeting for the examination of claims in the matter of the Inclosure thereof, whether any americiament, rent or money, payment or acknowledgment shall or shall not have been paid or made in respect of the same to or for the use of the Lord of the Soil, or any other person, shall be deemed parcel of the Land subject to be inclosed, and shall be divided, allotted and inclosed accordingly: Provided always, That in case under the circumstances of any such encroachments or Inclosures it shall appear to the Valuer just or reasonable that rights or interests in the Lands to be inclosed should be allowed to the persons in possession of such encroachments or Inclosures, it shall be lawful for the Valuer to allow and declare such rights accordingly: Provided also, That it shall be lawful for the several persons who shall be in possession of any such encroachments or Inclosures, or in the receipt of the rent thereof at the time of the determination of claims under this Act, to take down or remove all such buildings, fences and other erections as shall then be thereon, and to convert the materials thereof to their own use within *Two* calendar Months after notice in writing signed by the Valuer, given to such respective persons or posted on the church door; and in case any dispute or difference shall arise touching any such encroachments or Inclosures, or as to the extent thereof, such dispute or difference shall be determined by the Valuer.

47.  
School-houses  
&c. not to be  
deemed en-  
croachments.

Provided also, and be it Enacted, That in case any such Land shall have been taken or used, at any time before such first meeting for the examination of claims, for the erection of a school-house or the appurtenances thereto, or for other such purposes as in the opinion of the Valuer shall be charitable or parochial purposes, such Land so taken, or the erections made thereon, shall not be taken or deemed to be of the nature of an encroachment within the meaning of this Act.

48.  
Encroach-  
ments of  
Twenty  
Years  
standing  
to be deemed  
ancient Inclo-  
sures.

Provided always, and be it Enacted, That all Land which shall have been inclosed from any Land subject to be inclosed under this Act for more than *Twenty* Years next preceding the day of the first meeting for the examination of claims in the matter of such Inclosure shall, for the purposes of this Act, be deemed and taken to be ancient

ancient Inclosures, but not so as to carry any right of common or compensation or allotment for or in respect of right of common which might be claimed in respect of ancient Inclosures.

And be it Enacted, That all tofts, foundations or sites of ancient  
 5 commonable messuages or cottages shall, upon proof being made to  
 the satisfaction of the Valuer acting in the matter of any Inclosure,  
 that commonable messuages or cottages formerly stood thereon, be  
 deemed commonable messuages or cottages, and the respective proprie-  
 10 tors thereof shall be entitled to the same compensation for the rights  
 of common originally belonging thereto as if such messuages or cot-  
 tages were still standing.

49.  
Rights in re-  
spect of Tofts  
to be allowed.

And be it Enacted, That where any claim shall be made to any  
 right of Common or other right which in the judgment of the Valuer or  
 of the Commissioners or Assistant Commissioner could not be sustained  
 15 in law, but proof shall be made to the satisfaction of the Valuer or of the  
 Commissioners or Assistant Commissioner that there has been enjoy-  
 ment under the right so claimed for the space of *Sixty Years* or  
 upwards, next before the first meeting for the examination of claims in  
 the matter of such Inclosure, it shall be lawful for the Valuer or the  
 20 Commissioners or Assistant Commissioner to allow such claims in  
 such and the same manner as if the right so claimed might have been  
 legally sustained and established.

50.  
Rights not  
sustainable in  
law to be  
allowed upon  
proof of *Sixty*  
*Years'* usage.

And be it Enacted, That after the Valuer shall have heard and  
 determined all claims which shall have been made in the matter of an  
 25 Inclosure, he shall cause a schedule of such claims and of his determi-  
 nations thereon to be deposited, and to remain for *Thirty Days* at the  
 least for the inspection of all persons interested therein at some public  
 place within the parish in which the Land to be inclosed or the greater  
 part thereof shall be situate, and shall cause notice to be given on the  
 30 church door of such parish and by advertisement of such deposit, and  
 shall also send a copy of such schedule to the Commissioners, and shall  
 furnish any explanations or information in relation thereto to the Com-  
 missioners as they shall require, and in case any party dissatisfied with  
 any determination of the Valuer as aforesaid shall within *Thirty Days*  
 35 next after notice by the Valuer of such deposit of the said Schedule  
 cause to be delivered to the Commissioners notice in writing of such  
 dissatisfaction and of the desire of such party to have the claim or  
 matter so determined by the Valuer heard and determined by the  
 Commissioners or by an Assistant Commissioner, or in case the Com-  
 40 missioners shall, on the representation of any persons interested in  
 such Inclosure, or on the information given by the Valuer in relation  
 to such schedule, be of opinion that all or any of the determinations  
 of such Valuer shall have been made without due consideration of the

51.  
Schedule of  
claims allow-  
ed by valuer  
to be made  
and deposited.  
Claims may  
be reheard  
by Commis-  
sioners or an  
Assistant  
Commis-  
sioner.

legal rights of the parties interested or shall be erroneous, then and in any such case the Commissioners shall forthwith give notice in such manner as they shall think fit, appointing some convenient place and time for holding a meeting to hear and determine the claim or matter which shall be so desired to be reheard, or all or any of the claims or matters which shall be mentioned in the said schedule as the Commissioners shall think fit; and the Commissioners or any Assistant Commissioner specially empowered for that purpose shall rehear and determine such claim or matter, and the determination of the Commissioners or such Assistant Commissioner shall be final and conclusive, and shall be binding on the Valuer acting in the matter of such Inclosure, unless any party dissatisfied therewith shall try his right by an issue at law as hereinafter provided. 5 10

52.  
Appeal against  
determination  
of the Com-  
missioners.

Provided always, and be it Enacted, That if any person claiming to be interested in any Land proposed to be inclosed under this Act shall be dissatisfied with any determination of the Commissioners or Assistant Commissioner, concerning any claim or interest in or to the Land proposed to be inclosed under the powers hereinbefore contained, and shall cause notice in writing of such dissatisfaction to be delivered to the Commissioners, within *Thirty Days* next after notice of such determination shall have been given to the several parties or persons specially interested, if any such there be, it shall be lawful for such person so dissatisfied and giving such notice as aforesaid to bring an action upon a feigned issue against the person in whose favour such determination shall have been made, or against the Commissioners, and to proceed to a trial at law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be holden for the county wherein the Land relating to which such dispute shall arise shall be situate; and the defendant in such action shall, upon being served with the usual process therein, appear thereto, and accept One or more issue or issues whereby such claim, and the right and interest thereby insisted upon, may be tried and determined; such issue to be settled by the proper officer of the Court in which the said action shall be commenced in case the parties shall differ about the same; and the verdict given upon the trial of such action shall be binding and conclusive upon all parties thereto, unless the Court wherein such action shall be brought shall set aside such verdict and order a new trial to be had; and after such verdict shall be given and final judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the claim thereby determined according to the event of such trial; and the costs attending any such action shall abide the event of the trial. 15 20 25 30 35 40

53.  
Determina-  
tion of Com-  
missioners not

Provided always, and be it Enacted, That if no such notice of dissatisfaction shall be given, or if no such action at law shall be commenced

5 menced as aforesaid, or if any such action shall be commenced and the plaintiff therein shall not proceed to trial within the time hereinbefore limited for that purpose, unless the Court for sufficient cause put off the trial, then the determination of the said Commissioners or Assistant Commissioner shall be final and conclusive.

appealed  
against con-  
clusive.

10 And be it Enacted, That if any person, plaintiff or defendant, in any action to be brought as aforesaid shall die pending the same, such action shall not abate by reason thereof, but may be proceeded in as if no such event had happened, the heir or devisee or other person  
15 entitled to the interest of the deceased party in the matter in question being served with process in the action ; and if any person in whose favour such determination as aforesaid shall have been made, and against whom any such action might have been brought if living shall die before any action brought, it shall be lawful for the person who  
20 might have brought such action to bring the same, within the time so limited as aforesaid, against such person as if actually living, and to serve the Commissioners with process for commencing such action in the same manner as the deceased person might have been served there- with if living ; and it shall thereupon be incumbent on the Com-  
25 missioners to serve with such process the heir or devisee or personal representative of the deceased person, or other the person who shall claim the benefit of such determination as aforesaid ; and on such process being served, such heir or devisee, or personal representative, or other person, shall appear and defend such action in the name of  
the person so dead, and proceedings shall be had therein in the same manner as if such person had been living, and the rights, interests and claims of all parties shall be equally bound by the event of any action so brought or continued as aforesaid, as if the death of any of the persons interested therein had not occurred.

54.  
Actions not  
to abate.

30 And be it Enacted, That in case the Commissioners or any Assistant Commissioner appointed to hear and determine any claim or matter in pursuance of this Act, shall see cause to award any costs, it shall be lawful for the Commissioners or Assistant Commissioner, upon application, to assess and award such costs as they or he shall think  
35 reasonable to be paid to the person in whose favour any determination of the Commissioners or Assistant Commissioner shall have been made, and by the person whose claim or objection shall have been disallowed ; and in case any person liable to pay such costs shall neglect or refuse to pay the same upon demand, the Commissioners or Assistant Com-  
40 missioner shall by warrant directed to any person or persons whomsoever, cause such costs to be levied by distress ; and if there shall be no goods and chattels whereon to levy such costs, it shall be lawful for the person in whose favour such costs shall be awarded, to recover the same by action of debt, or on the case; in which action it shall be

55.  
Commis-  
sioners may  
award Costs.

275.

D

sufficient

sufficient for the plaintiff to declare that the defendant is indebted to him in the sum specified in the order of adjudication made by the Commissioners or Assistant Commissioner, and in consequence of such order, without setting forth any other proceedings under this Act.

5

56.  
Differences  
may be sub-  
mitted to  
arbitration.

Provided always, and be it Enacted, That in case any person here-  
inbefore authorized to bring an action upon a feigned issue, and the  
person against whom such action might be brought shall be desirous  
of submitting the matter in dispute or difference to the arbitration of  
any arbitrator, or of any arbitrators and umpire, it shall be lawful for 10  
such persons, with the approbation of the Commissioners, to submit  
such matter in dispute accordingly, and such submission shall be irre-  
vocable, and the decision thereupon shall be binding on both parties  
and be obeyed accordingly, and the costs of such arbitration shall  
abide the event; and the Commissioners may require each of the 15  
persons in difference upon any such submission to arbitration to give  
such security for the payment of the costs of such arbitration as the  
Commissioners shall think fit.

57.  
Power to  
Valuer to  
make Water-  
courses, &c.

And be it Enacted, That it shall be lawful for the Valuer acting in  
the matter of any Inclosure to set out and make such common ponds, 20  
ditches, watercourses, embankments, tunnels and bridges of such  
extent and form, and in such situations as he shall deem necessary,  
and as shall not be inconsistent with the terms and conditions, and  
instructions hereinbefore mentioned, in the Land to be inclosed,  
and also to enlarge, cleanse or alter the course of and improve 25  
any of the existing ditches or watercourses, embankments, tunnels  
or bridges, as well in and over the same Land, as also in any  
ancient Inclosures or other Lands in the parish or respective parishes  
in which the Land to be inclosed may be situate, as the Valuer shall  
deem necessary, making such satisfaction to the proprietors of such 30  
ancient Inclosures or Lands for the damage done thereby as the Valuer  
shall think just; and the expense of making and enlarging, altering  
and cleansing such ponds, ditches, watercourses, embankments, tunnels  
and bridges, when the same shall be first done in pursuance of this  
Act, if not otherwise provided for, shall be raised and paid in the 35  
same manner as the other expenses of the Inclosure; but all such ponds,  
ditches, watercourses, embankments, tunnels and bridges shall at all  
times afterwards be repaired, cleansed and maintained by such persons,  
and in such manner as the Valuer shall direct, provided that no water-  
course be diverted or turned without the consent, in writing, of the 40  
person interested in the Land from which the same may be diverted,  
and of the person interested in the Lands into which the same may  
be turned, or to the prejudice of any person interested in such water-  
course: except with his consent in writing.

And

And be it Enacted, That in the first place the Valuer acting in the matter of any Inclosure shall and may, before he shall proceed to make any of the divisions and allotments of the Land to be inclosed, in pursuance of or in any manner not inconsistent with the instructions given to such Valuer as aforesaid, set out public roads and ways, and widen public roads and ways in or over the land to be inclosed, and stop up, divert or alter any of the roads or ways passing through the Land to be inclosed, or through any old Inclosures in the parish or respective parishes in which the Land to be inclosed shall be situate ; and the soil of such of the roads and ways so to be discontinued and stopped up as pass through the Lands to be inclosed, shall be deemed part of the Lands to be inclosed : Provided always, That nothing herein contained shall authorize the altering or diverting any turnpike-road, unless the consent of the majority of the Trustees of such turnpike-road, assembled at a public meeting called for that purpose, be first obtained : Provided also, That before any public road or way shall be discontinued, diverted, stopped up or altered by the Valuer acting in the matter of any Inclosure, the Valuer shall cause to be affixed at each end of such road or way a notice to the effect that the same is intended to be discontinued, stopped up, diverted or altered, as the case may be, from and after a day to be mentioned in such notice ; and the Valuer shall also cause the same notice to be given by advertisement for *Four* successive Weeks, and also on the church-door on the *Four* Sundays of the said *Four* successive Weeks ; and after the said several notices shall have been so given, such road or way shall from and after the day in such notice mentioned, be deemed to be discontinued, stopped up, diverted or altered, as the case may be, subject however to such appeal as is hereinafter mentioned.

58.  
Power to  
alter Roads  
and Ways.

And be it Enacted, That it shall be lawful for any person within *Four* Months after the first Sunday on which such notice shall have been given on the church-door of the intention that such road or way should be discontinued, stopped up, diverted or altered, as the case may be, to make his complaint thereof by appeal to the Justices of the Peace at the Quarter Sessions for the county, riding, division or other jurisdiction in which such road or way, or the greater part thereof, shall be situate, upon giving to the Valuer *Ten* Days' notice in writing of such appeal, together with a statement in writing of the grounds thereof ; but it shall not be lawful for the Appellant to be heard in support of such appeal, unless such notice and statement shall have been given as aforesaid, nor on any hearing of appeal to go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

59.  
Appeal to  
Quarter Ses-  
sions.

And be it Enacted, That in case of such appeal, the Justices at such Quarter Sessions shall, for the purpose of determining whether such public road or way shall be discontinued, stopped up, diverted or

60.  
Trial of Ap-  
peal.

altered, or whether the party appealing would be thereby injured or aggrieved, impanel a jury of Twelve disinterested men out of the persons returned to serve as jurymen at such Quarter Sessions; and if after hearing the evidence produced before them the said jury shall return a verdict that such road or way is unnecessary, or may beneficially to the public be discontinued, stopped up, diverted or altered, and that the party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such appeal, and shall award the costs of resisting the said appeal to be paid by the Appellant to the Valuer, and the same shall be recoverable in the same manner as any penalties and forfeitures are recoverable under this Act; but if the said jury shall return a verdict that such road or way is not unnecessary, and that the same could not beneficially to the public be so discontinued, stopped up, diverted or altered, or that the party appealing would be injured or aggrieved thereby, the said Court shall allow such appeal, and such public road or way shall not be discontinued, stopped up, diverted or altered; or in case the same shall have been discontinued, stopped up, diverted or altered, the said Court shall make an order restoring the same to its original state, and shall award to the Appellant the costs of prosecuting such appeal, and such costs shall be paid by the said Valuer out of the monies to be raised for the expenses of the Inclosure.

61.  
Roads to be  
fenced.

And be it Enacted, That such public roads and ways so to be set out as aforesaid, shall be well and sufficiently fenced on both sides by such of the persons interested in the Land to be inclosed, and within such time as the Valuer acting in the matter of such Inclosure shall direct; and it shall not be lawful for any person to set up or erect any gate across any such road or way, or to plant any trees in or near to the hedges on the sides thereof, at a less distance from each other than *Fifty* Yards, and the Valuer shall form and complete such parts of the said public roads and ways as shall be newly made.

62.  
Expenses of  
making and  
altering  
Roads.

And be it Enacted, That the expenses attending the purchasing of the soil of all such public roads and ways as aforesaid, and the stopping up, discontinuing, diverting, widening and altering of such roads and ways, and the money compensation in respect thereof upon any Inclosure, shall be paid in such manner as the expenses of such Inclosure shall be directed to be paid.

63.  
Roads to be  
repaired by  
the Parish  
after certi-  
ficate by  
Valuer.

And be it Enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the county, riding, division or jurisdiction in which the Lands to be inclosed shall be situate, shall certify any of the public carriage roads to be set out in pursuance of this Act on any Inclosure to be sufficiently formed and completed, such roads shall thenceforth be kept in repair by such persons and in such

such manner as the public roads within the said parish are or ought by law to be kept in repair; and every such certificate shall, at the Quarter Sessions of the Peace to be holden for the said county, riding, division or jurisdiction, next after the date thereof, be filed  
5 of record by the Clerk of the Peace.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall and may set out such private or occupation-roads and ways through the Lands to be inclosed as he shall think requisite, for the use of the persons interested in such Lands, or any of them; and  
10 any expenses which the Valuer may incur relative to the setting out or formation or completion of such private roads and ways, or any of them, shall, unless the Valuer shall otherwise direct, be paid in the same manner as the other expenses of the Inclosure; and such expenses of the formation and completion of such private roads and ways as the  
15 Valuer shall direct, shall be borne by, and after the formation and completion of such private roads and ways, the same shall be maintained and kept in repair by and at the expense of the owners and proprietors for the time being of the Land inclosed, or such of them, and in such shares and proportions, and in such manner, as the Valuer  
20 shall direct; and after such private roads and ways shall have been set out and made, the grass and herbage arising thereon shall for ever belong to and be for the use of such persons interested in the Lands to be inclosed as the Valuer shall direct; and in the absence of such direction, shall belong to the proprietors of the Land to be inclosed  
25 which shall next adjoin the said roads and ways on either side thereof as far as the crown of the road; and all private or occupation-roads or ways over, through and upon the Lands to be inclosed which shall not be set out as aforesaid, shall be for ever stopped up and extinguished.

64.  
Private  
Roads.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure at such time as he shall think proper, and before the making of the award (but with the approbation of the Commissioners under their seal), by notice on the church door, to order all or any part of the rights of sheep-walk, common or  
35 other rights in or over the Land to be inclosed, or any part thereof, to be extinguished from such time, or the exercise thereof to be suspended during such time as shall be expressed in such notice, and from the time mentioned in such notice such rights shall be extinguished or suspended accordingly; and if during the suspension or after the extinguishment of  
40 any such rights of sheep-walk, common or other rights as aforesaid, any person shall permit his horses, cattle, sheep or swine to go or depasture upon any of the Lands over which such rights shall be suspended or extinguished, it shall be lawful for the Valuer acting in

65.  
Rights of  
Common may  
be suspended.

275.

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the

the matter of the Inclosure, or any other person by his order (testified in writing under his hand), or any of the persons interested in such Lands or in the Inclosure thereof, to distrain such horses, cattle, sheep or swine being upon such Lands contrary to such order, and to impound the same until the person so offending shall pay to the person so distraining such sum of money as the Valuer shall, by writing under his hand, have previously ordered, not exceeding *Ten Shillings* for each horse or head of cattle, and *Five Shillings* for each sheep or swine so distrained; and in case the same shall not be paid within *Seven Days* after the same shall have been impounded, the Valuer is hereby authorized, upon proof of such offence having been committed, and of non-payment of the penalty hereby imposed, to cause the horses, cattle, sheep or swine so distrained or impounded, or such of them as he shall think necessary, or any other goods or chattels of the person so offending, to be sold for raising and paying the penalty aforesaid, together with the costs and charges attending such distress, rendering the surplus (if any) to the owner.

66.  
Course of  
Husbandry  
may be  
directed.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure, at such time as he shall think fit, by notice on the church-door, to direct the course of husbandry and the stint or rule of stocking that shall be observed upon the Land to be inclosed until the time when the Inclosure thereof shall be completed, as well with respect to the laying down, ploughing, sowing, fallowing, manuring and tilling thereof, as to the stocking and feeding of the commonable Lands, and fallows or stubbles upon the same; and to direct such recompense to be made as he shall think right to any person injured by such directions, all which directions shall be binding upon all parties interested, their farmers and tenants; and the Valuer shall impose such pecuniary penalties on every person not conforming to such directions as he shall think necessary, not exceeding the sum of *Five Pounds* per acre in the case of cross-cropping, or withholding from the Land its due proportion of manure, or *Ten Pounds* in any other case, for any one offence; and shall also determine in all cases where the tenant is entitled by agreement or custom to the manure arising from the Lands in his occupation, by whom and in what sum of money such tenant shall be compensated for any such manure left or given up by him; and such penalties and other sums of money shall be recovered in the same manner as by this Act directed for the recovery of penalties.

67.  
Compensa-  
tion for  
growing  
Crops.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall, by writing under his hand, order what recompense in money shall be made to the owner of any crops growing, according to his agreement or lease, or according to the customary mode of cultivation

cultivation within the parish in which the Land to be inclosed shall be situate, upon such Land at the time of the division, allotment and inclosure for the said crops, by the person to whom the Land on which such crops are growing shall be allotted; and  
 5 also what recompense in money shall be paid, and by whom, to any tenant or occupier of Land, as well for the ploughing, tilling, cultivating, manuring or folding any Land to be inclosed for the benefit accruing thereby to the person to whom such Land shall be  
 10 may sustain by the loss of his following or way-going crops upon the Land to be inclosed; and if in any of the said cases the money to be paid for such recompense be not paid at the time and in the manner ordered by the Valuer, then the same may be recovered by the person entitled thereto from the person liable to pay the same, in the  
 15 same manner as penalties and forfeitures are recoverable under this Act.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall allot to the Surveyor of the Highways for the time being of the parish in which the Land proposed to be inclosed, or any  
 20 part thereof, shall be situate, and to his successors for ever, such part of the Land proposed to be inclosed as by the instructions given to such Valuer shall have been directed to be appropriated for supplying stone, gravel or other materials for the repairs of roads and ways as aforesaid; or in case no such instructions shall have been given in this  
 25 behalf, such part as the Valuer shall think fit; and such allotments shall be inclosed and fenced as the Valuer shall direct, and shall, from the confirmation of the award, be vested in the Surveyor of the Highways within the said parish for the time being, in trust for the purposes aforesaid; and the grass and herbage of such allotments shall belong  
 30 to such persons as by the Valuer shall be directed; and if he shall make no such direction, then such Surveyor shall from time to time let the herbage for the most money that can be obtained for the same, and shall apply the rents and profits towards the repairs of the public roads or highways within the said parish; and the said Sur-  
 35 veyor shall account for such rents and profits in the same manner as he is by law accountable for other monies that shall come to his hands in the capacity of Surveyor of the Highways, and shall be subject to the like penalties for the neglect thereof.

68.  
Allotment  
for repair  
of Roads.

And be it Enacted, That the Valuer acting in the matter of any  
 40 Inclosure shall and may, in pursuance of the directions of or in any manner not inconsistent with the directions of the provisional order of the Commissioners or any Act hereafter to be passed, or the instructions given to such Valuer as aforesaid, set out and allot such part of  
 275. the

69.  
Allotments  
for public  
purposes.

the Lands to be inclosed as by such provisional order or Act, or instructions respectively, shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood; and such allotment shall, unless the same shall be otherwise awarded under the provision hereinafter contained, be made and awarded to the Churchwardens and Overseers for the time being of the parish in which the same shall be situated, and shall be held by the Churchwardens and Overseers for the time being of the said parish for the purposes aforesaid, and shall be in the first instance fenced, and where occasion shall require, drained and levelled by the Valuer, the expense in such case to be considered part of the expenses of the Inclosure; or shall be fenced by any person to whom adjoining Land shall be allotted as the Valuer may direct; and the fences of such allotment shall for ever afterwards be repaired and maintained, and the surface thereof kept drained and level by such Churchwardens and Overseers, or by the Churchwardens and Overseers of the several parishes interested therein, in such proportions and manner as shall be directed by the Valuer out of the rents to be received for the herbage of the said allotment, or out of the poor-rate of the said parish or respective parishes or otherwise; and the grass and herbage growing upon such allotment may be from time to time let by the Churchwardens and Overseers, in whom the same shall be vested, and the rents which shall be received by them for the same shall be by them from time to time applied, in the first place, in maintaining and repairing the fences of the said allotment, and keeping the surface thereof drained and level as aforesaid, and subject thereto in aid of the rates for the repair of the public highways in the said parish or respective parishes; and the Valuer shall in like manner set out and allot such part of the Land to be inclosed, as by such provisional order or Act, or instructions as aforesaid, shall have been directed to be appropriated as an allotment for the labouring poor, unto the Churchwardens and Overseers of the poor of the parish in which such allotment shall be situate, subject nevertheless to a rent charge to be payable thereout to any person or persons who may be entitled to allotments under such Inclosure, as hereinafter provided; and the said Valuer shall in like manner, in pursuance of the directions of or in any manner not inconsistent with the directions of such provisional order or Act, or instructions as aforesaid, set out and allot for the other public purposes mentioned in such provisional order or Act, or instructions as aforesaid, such parts of the Land to be inclosed as shall have been thereby respectively directed to be set apart for such purposes, and such allotments shall be made to such persons respectively, with such regulations and provisions as to the fencing, maintenance, use and enjoyment thereof respectively as the Valuer, with the approbation of the Commissioners, shall direct; and in every

every case in which the Valuer, with such approbation of the Commissioners, shall not think it necessary or proper to direct the same to be otherwise made, such allotments shall be made to the Churchwardens and Overseers of the poor for the time being of the parish in which such allotments shall be situate; and all allotments which shall be made to the Churchwardens and Overseers under this Act, shall be held by the Churchwardens and Overseers of the poor for the time being in the same manner, and with the same legal powers and incidents, as if the same allotments were Lands belonging to the parish, but in trust, nevertheless, for the purposes for which the same shall be allotted, and subject as to the said allotment for the labouring poor to the provisions in relation thereto hereinafter contained, and as to all other such allotments, subject to such directions for the maintenance, fencing, management and use thereof as the Valuer, with the approbation of the Commissioners, may think fit.

Provided always, and be it Enacted, That it shall be lawful for the Valuer, with the approbation of the Commissioners, to set out and allot such Land as shall be appropriated as a place of exercise and recreation as aforesaid, to any person entitled to an allotment under the Inclosure, and who shall consent to receive the same in full, or in part of his allotment, and the person to whom the Land, so to be appropriated shall be allotted, and all future owners thereof, shall, unless it shall be otherwise directed by the award, be subject to the obligation of maintaining the fences of such Land, and of preserving the surface thereof in good condition, and of permitting such Land to be at all times used for exercise and recreation by the inhabitants of the parish and neighbourhood, and, subject to such obligations, the herbage of such Land shall belong to the person to whom such Land shall be so allotted.

And be it Enacted, That every allotment which shall be made and awarded for the labouring poor may be so awarded, subject to and chargeable with a clear rent-charge or clear rent-charges, not exceeding in the whole the net annual value of the allotment in its actual condition at the time of making the same; and every such rent-charge shall be deemed at the time of the confirmation of the award to be of the value of such number of imperial bushels, and decimal parts of an imperial bushel of wheat, barley and oats, as the same would have purchased at the average prices during the Seven Years ending on the Thursday next before Christmas-day One thousand eight hundred and Thirty-five, as the same were ascertained by the advertisement inserted in the London Gazette, under the provisions of the Act of the seventh year of King WILLIAM the Fourth, intituled, "An Act for the Commutation of Tithes in England and Wales," in case One-third

70.  
Provision for  
awarding al-  
lotments for  
exercise, &c.,  
to individuals,  
subject to the  
obligation of  
permitting it  
to be used.

71.  
Allotments for  
the labouring  
poor may be  
made subject  
to a Corn  
rent-charge, to  
vary and be  
recoverable  
as a Tithe  
Rent-charge.

part of such rent-charge had been invested in the purchase of wheat, One-third part thereof in the purchase of barley, and the remaining Third part thereof in the purchase of oats, and the respective quantities of wheat, barley and oats, so ascertained, shall be stated in the award; and every such rent-charge shall be paid by equal half-yearly payments on the First day of July and the First day of January, the first of such half-yearly payments to be made on the first of such half-yearly days after the expiration of Three Years from the date of the confirmation of such award; and such sum of money shall be payable in respect of such yearly rent-charge as, according to the prices ascertained by the then next preceding advertisement for the purposes of the said Act of the seventh year of King WILLIAM the Fourth, would have been payable in respect of a rent-charge of like amount charged on Lands under the provisions of such Act; and the sum of money thenceforth payable in respect of such rent-charge charged under the provisions of this Act, shall vary so as always to consist of the price of such number of bushels and decimal parts of a bushel of wheat, barley and oats respectively, according to the next preceding advertisement for the time being, in like manner as if the same had been a rent payable under the provisions of the said Act of the seventh year of King WILLIAM the Fourth, and the persons entitled to any rent-charge charged under the provisions of this Act, shall have the same powers and remedies for enforcing payment thereof in all respects as are by the said Act of the seventh year of King WILLIAM the Fourth, or by any Act for amending the same, given to the persons entitled to rent-charges charged under the said Act of the seventh year of King WILLIAM the Fourth, for recovering and enforcing payment of such last-mentioned rent-charges, and nothing herein or in such award contained shall render any person personally liable to the payment of any rent-charges to be charged under the provisions of this Act.

72.  
Allotment  
to Lord.

And be it Enacted, That after the several allotments hereinbefore directed shall have been set out and made, and after making provision for the payment of the expenses by sale of Land in case the expenses shall be so directed to be paid, the Valuer acting in the matter of any Inclosure shall allot and award unto the Lord of the Manor so much and such part of the Land proposed to be inclosed as shall in the judgment of the Valuer be equal (quantity and value considered) to such a part of the residue of such Land as shall be proportioned to his right or interest therein, according to the directions of the provisional order of the Commissioners, in lieu of his right and interest in the soil of the said Land, exclusive of any other allotments which may be made to such Lord in lieu of or in satisfaction for any other rights or interests in such Land to which he may be entitled, and which shall not have been included in the estimate in such provisional

visional order of his right and interest, and in case it shall have been declared by such provisional order that the right or interest of the Lord has been estimated exclusively of his right or interest in the mines and minerals under the Land to be inclosed, then the Valuer shall and may, on the request in writing of the Lord, reserve or award to the Lord such rights and easements for searching for, working and carrying away such mines and minerals, subject to such provisions for compensation for damage to be done to the surface in the exercise of such rights and easements, as by the Valuer, with the approbation of the Commissioners, shall be thought reasonable.

And be it Enacted, That after the several allotments hereinbefore directed shall have been set out and made, and after making provision for the expenses of the Inclosure by sale of Lands in case the expenses shall be so directed to be paid, the Valuer acting in the matter of the Inclosure shall divide, allot and award all the remainder of the Land to be inclosed unto and amongst the several persons who shall be interested therein, in such shares and proportions as he shall adjudge and determine to be proportionate to the value of their respective rights and interests which shall have been claimed and allowed under the provisions hereinbefore contained.

And be it Enacted, That where any allotments shall be made for the labouring poor under the provisions hereinbefore contained, subject to any rent-charge or rent-charges, such rent-charge or rent-charges may be allotted to any person or persons who may elect to receive the same, in full or in part of his or their allotment or allotments, and in case no person shall so elect to receive the same, then to such persons and in such shares as the Valuer may think convenient for the purpose of equalizing allotments or otherwise; and it shall be lawful for the Valuer, for the purposes of allotment under this clause, to estimate the value in fee-simple of every such rent-charge to be Four-fifths only of the value of an allotment of land equal in net annual value to such rent-charge.

And be it Enacted, That when any person to whom any allotment shall be made, or Land assigned in exchange by virtue of this Act, shall hold such Land, or the Land in respect of which such allotment or exchange is made under different titles or for different estates, and as to copyhold or customary Land by separate quit-rents, the Valuer in the matter of the Inclosure shall ascertain and distinguish the Land held for each of such estates and under each of such titles respectively, and shall accordingly set out distinct and several allotments for such respective Lands, and distinguish the several estates holden by several and distinct quit-rents.

275.

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And

73.  
Allotment  
of residue.74.  
The Rent-  
charges pay-  
able out of  
Allotments for  
the labouring  
poor to be al-  
lotted to per-  
sons entitled  
under the  
Inclosure.75.  
Separate  
Allotments  
to be made  
in respect of  
separate  
Titles.

76.  
Several  
Allotments  
may by  
consent be  
laid together.

And be it Enacted, That in case any number of the persons interested in the Land to be inclosed shall desire to have their allotments thrown together, and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the Valuer acting in the Inclosure, such Valuer shall set out the several allotments of such persons so giving notice as aforesaid, by metes and bounds, out in one parcel of Land, and without requiring them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary, or as the Valuer may direct to be made for dividing the said parcel of Land from the residue of the Land so to be inclosed. 5 10

77.  
Cultivated  
Land and  
Buildings to  
be allotted to  
the Proprietor.

Provided always, and be it Enacted, That it shall not be lawful for the said Valuer to allot to any other person than the proprietor thereof any Land which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any agreement between the proprietor thereof and the persons having right of Common over the same, without the consent in writing of such proprietor. 15

78.  
Regard to be  
had to the  
situation of  
Homesteads.

And be it Enacted, That the Valuer in making the several allotments hereby directed, shall have due regard as well to the situation of the respective houses or homesteads of the persons interested in the Land to be inclosed as to the quantity and quality of the Land to be allotted to them respectively, so far as may be consistent with the general convenience of such persons; and that such Valuer in making the said Allotments shall have particular regard to the convenience of the persons interested in respect of the smallest estates in the Land subject to be inclosed under this Act. 20 25

79.  
Allotments  
to be fenced.

And be it Enacted, That the several allotments to be made, except the allotments to the Surveyor and Churchwardens and Overseers respectively, and the other allotments for public purposes, shall be inclosed, ditched and fenced at the expense of the respective persons to whom the same shall be allotted, in such manner and within such times as the Valuer shall direct; and the fences so to be made shall for ever afterwards be repaired and maintained by such persons as the Valuer shall direct; and if from the situation, or from any other circumstance, it shall happen that any person to whom any allotment shall be made, shall not have a fair proportion of the boundary ditches or fences assigned to him to make, it shall be lawful for the Valuer, acting in the matter of any Inclosure, to ascertain and appoint what sum of money shall be contributed by such person towards making the boundary, ditches and fences of the allotments of 30 35

of such other persons as shall have assigned to them to make too great a proportion thereof; and such money shall be paid to such persons and in such manner as by the Valuer shall be directed, and the same may be recovered in the same manner as penalties or forfeitures are recoverable under this Act.

And be it Enacted, That if at any time before an allotment shall have been made by the Valuer, any person shall sell his right or interest in the Land to be inclosed or any part thereof to any person, the Valuer shall, upon such sale being certified to him in writing by the vendor, make an allotment of Land to the purchaser or to his heirs or assigns in respect of the right or interest so sold; and every such purchaser or his heirs or assigns shall from the confirmation of the award hold and enjoy the Land so to be allotted to him in such manner as the vendor might or ought to have done, in case such sale had not been made; and it shall be lawful for any person who shall be entitled to any allotment under this Act, to devise, convey, surrender or otherwise assure the same allotment or all or any part of his interest therein at any time before the confirmation of the award; and every such devise, conveyance, surrender and assurance shall be of the same validity as if the same had been made after the confirmation of the said award; and it shall be lawful for any person entitled to any allotment to sell, dispose of or convey the estate in right of which he may be entitled to such allotment, separate from and retaining to himself such allotment, or the right thereto; and the Valuer is hereby required to award such allotment accordingly.

80.  
Allotments  
may be made  
to purchasers.

And be it Enacted, That if any person interested in any Inclosure under this Act shall die before the same shall have been completed, the powers and authorities hereby vested in the Commissioners, Assistant Commissioner and Valuer shall not be thereby determined or suspended, but they shall proceed in the execution of such powers and authorities in such manner as they might have done in case such person had not died; and the allotment which might have been made to the person so dying shall be made to such person as by the law shall become entitled to the same, and shall be accepted and fenced by such party according to the directions contained in the award, and he shall be liable to the charges and expenses and other conditions of the Inclosure.

81.  
Allotments  
to be made  
to representa-  
tives of par-  
ties dying.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure, with the consent in writing of the person interested in any old inclosed Lands, or Lands holden in severalty, or otherwise not subject to be inclosed under the general provisions hereinbefore contained,

82.  
Old Inclo-  
sures may be  
allotted with  
consent.

tained, to order and direct such old inclosed Lands or other Lands as last aforesaid, to be considered as allottable and parcel of the Land to be inclosed ; and such allowance shall be made to the person interested in such Lands on account of the situation or other beneficial circumstances thereof as the Valuer shall adjudge to be just and reasonable ; and he shall allot and award unto the person so interested in such old inclosed Lands, or other Lands as aforesaid, so much and such part of the Land to be inclosed as he shall think reasonable and just. 5

83.  
Allotments to  
freemen and  
other classes  
of persons  
entitled to  
common  
rights.

And be it Enacted, That where the freemen or burgesses of any city or borough, or the householders or inhabitant householders of any town or place, or any class or description of such freemen, burgesses, householders or inhabitant householders, or any other persons as a class, shall be entitled to rights of common or other rights over the Lands to be inclosed, it shall be lawful for the Valuer to award in respect of such rights an aggregate allotment to any *Two* or more trustees, who shall be nominated by the majority at such meeting as hereinafter mentioned, or in case *Two* or more trustees shall not be nominated at such meeting, then to such trustees as the Commissioners shall approve, with provisions for the appointment of new Trustees from time to time, or to the Churchwardens and Overseers of the Poor of the parish in which the allotment shall be situate, in trust for the parties entitled to the right in respect of which the allotment shall be made ; and it shall be also lawful for the Valuer, having regard to such instructions, if any, as may have been resolved on at such meeting as hereafter mentioned, or to such instructions as shall be given by the Commissioners in this behalf, to direct in what manner and under what regulations such allotment shall be occupied or enjoyed by the persons from time to time entitled to the benefit thereof, and (in case the Valuer, having regard to such instructions, shall think fit) to give directions and powers for the letting of such allotment from year to year, or for any term of years, subject to such provisions and restrictions as the said Valuer, with the approbation of the Commissioners, shall think fit, and for the receipt of the money to arise from such letting, and for the application of such money for the benefit of the persons entitled to the benefit of the allotment, and to give all such directions and provisions for the fencing, draining and management of such allotment, as the Valuer may think expedient. 10 15 20 25 30 35

84.  
Power to sell  
such allot-  
ment.

Provided also, and be it Enacted, That it shall be lawful for the Valuer, with the approbation of the Commissioners, and of such meeting as hereinafter mentioned, to sell and dispose of the whole or any part of any allotment to which any such class of persons as aforesaid shall be entitled under this Act, and the allotment or any part 40

part thereof so sold shall be conveyed by the Commissioners as the purchaser shall direct, and the Commissioners shall sign a receipt for the purchase-money, which shall be a sufficient discharge for the same; and the purchase-money arising from the sale, or the surplus thereof, after payment thereof of any expenses to which the same shall be liable, shall, with the approbation of the Commissioners, be paid to any trustee or trustees upon trust for the investment thereof, with provisions for the appointment of new trustees from time to time, and for the application of the interest and annual produce of such investment to such purposes, for the benefit of the persons who would have been entitled to such allotment, or the part thereof so sold, in case the same had not been sold as the Commissioners shall approve, and by the final award in the matter of such Inclosure direct.

Provided also, and be it Enacted, That when the claim of any class of persons entitled as aforesaid, shall be allowed, the Valuer shall certify such allowance to the Commissioners, and the Commissioners shall call a meeting of such persons by advertisement, for the purpose of appointing trustees of the allotment to be made for their benefit, and for giving instructions to the Valuer concerning the enjoyment, occupation and management of such allotment, or for letting the same, and for the application of the money to arise from such letting, or in case such meeting shall think fit that such allotment, or any part thereof, shall be sold, for directing the sale thereof, and the investment of the money arising from such sale, and the application of the income thereof; and the Commissioners, having reference to the total number of such class (so far as the Valuer or the Commissioners may have ascertained the same), shall by such notice declare the number of persons who should be present at such meeting to give validity to the proceedings, and the decision of the majority of such meeting shall bind the minority and all absent parties : Provided always, That no meeting shall be effectual for the purpose aforesaid unless such a number of the said persons shall attend the same as shall be mentioned in that behalf in the advertisement calling such meeting; and if no effectual meeting shall be held for the purpose aforesaid, or being held, no instructions shall be resolved on by the majority present at such meeting, or in case the Commissioners shall deem such instructions unjust or unreasonable, the Commissioners may give such instructions to the Valuer in respect of the matters aforesaid as they shall think fit, provided that no sale of any such allotment, or any part thereof, shall be made, except in pursuance of a resolution of a meeting called as aforesaid; but a recital in the conveyance by the Commissioners upon any sale, that such sale was duly authorized, shall for all purposes of title be evidence that such sale was made in pursuance of the resolution of a meeting duly called as aforesaid.

85.  
Meeting of  
persons en-  
titled for  
giving in-  
structions to  
Valuer.

86.  
Partitions  
may be made

And be it Enacted, That where any persons interested in Land to be inclosed under this Act shall be so interested in undivided shares or as joint tenants, coparceners or tenants in common, it shall be lawful for the Valuer, upon the request in writing of any of the persons so interested in undivided shares, or as joint tenants, coparceners or 5 tenants in common, to make partition of the Lands or allotments coming to such persons so interested, and to allot the same to such persons in severalty; and immediately after the said allotments shall be so made and declared, the same shall be holden and enjoyed by the persons to whom the same shall be allotted in severalty, subject 10 to the same uses as such undivided share would have been subject to in case such partition had not been made; and every such partition shall be specified in the award, and shall be valid and effectual to all purposes.

87.  
Costs of Par-  
tition.

And be it Enacted, That all costs and expenses attending any par- 15 tition to be made by virtue of this Act, shall be borne and defrayed by the several proprietors of, or persons interested in, the estates which shall be so parted, in such manner and proportions as the Valuer shall order; and in case of non-payment thereof, shall be recovered in the manner directed with respect to the recovery of penalties and for- 20 feitures.

88.  
Exchanges.

And be it Enacted, That it shall be lawful for the Valuer to allot and award any Land to be inclosed in exchange for any other Land within the parish in which the Land to be inclosed shall be situate, or any adjoining parish; and it shall be lawful for the Valuer in exercise of 25 this present power, to allot all or any part of the Land which would have been subject to be allotted under this Act for the purposes of exercise and recreation, or for the labouring poor, or for any other public purposes, to any person in exchange for other Land in the parish, or in any adjoining parish, which shall appear to the 30 Valuer more suitable or convenient for the purposes of exercise and recreation, or for the labouring poor or for such other public purposes as aforesaid, and to allot such other Land for such purposes accordingly; and all Lands taken and allotted as aforesaid under this provision, although not situate in the parish in which the Land 35 given in exchange for the same shall be situate, shall for the purposes of the provisions herein contained be deemed to be within such parish, and be managed and dealt with accordingly; provided that all exchanges under which Land shall be taken and allotted for public purposes as aforesaid shall be made with the consent of the 40 person interested in the Land so taken, and that all other exchanges be made with the consent in writing of the persons interested in the Lands so exchanged, and every such exchange so to be made shall be valid and effectual to all purposes, and shall be specified and declared in the

the award : Provided also, That no exchange shall be made of any Land held in right of any church or chapel or other ecclesiastical benefice without the consent, testified in writing, of the Bishop of the diocese in which such Lands shall be situate: Provided also, That  
5 all costs and expenses attending the making and completing of any such exchanges, except exchanges of Land taken for public purposes, shall be borne by the several parties making such exchanges, in such manner and in such proportions as the Valuer shall direct ; and in case  
10 of non-payment thereof, shall be recovered in the manner directed with respect to the recovery of penalties and forfeitures, and the expenses of the exchanges of Land taken for public purposes shall be considered part of the expenses of the Inclosure.

And be it Enacted, That nothing in this Act contained shall extend to revoke, make void or alter any will, settlement, uses or  
15 trusts, or to prejudice any person having any right or claim of dower, jointure, annuity, portion, debt, charge, rent or incumbrance upon or affecting any of the Land to be inclosed, or which shall be exchanged or given in partition in pursuance of this Act ; but the Land allotted and the Land given in exchange or partition, shall  
20 immediately after such allotment, exchange or partition, be and enure, and the several persons to whom the same shall be allotted or given in exchange or partition as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively to and for such and the same estates, uses, trusts, intents and purposes, and subject  
25 to the same conditions, charges and incumbrances as the several Lands, rights or undivided shares thereof in respect whereof such allotments, exchanges and partitions shall have been made would have stood limited to and for, or been subject to, in case the same had not been allotted, exchanged or given in partition as aforesaid, and as if  
30 this Act had not been made, save and except such leases and tenancies at rack-rents as shall become void by virtue of this Act, and any joint tenancy which may have been severed by partition as aforesaid, and such rights of common and other rights as are intended to be extinguished by the Inclosure, and subject nevertheless to all such  
35 mortgages and sales as shall be made by authority of this Act.

89.  
Wills and  
Settlements  
not to be  
affected.

And be it Enacted, That all such Land as shall be taken in exchange or on partition or be allotted by virtue of this Act, shall be held by the person to whom it shall be given in exchange or on partition or allotted, under the same tenures, rents, customs and services as the  
40 Land in respect of which such Land shall have been given in exchange or on partition or allotted, would have been held in case no such exchange, partition or inclosure had been made ; and the Land taken in exchange or on partition or allotted in respect of freehold shall be deemed freehold, and the Land taken in exchange or on partition or

90.  
Tenure of the  
Allotments.

allotted in respect of copyhold or customary Land, shall be deemed copy hold or customary Land, and shall be held of the Lord of the same Manor under the same rent and by the same customs and services as the copyhold or customary Land in respect of which it may have been taken in exchange or on partition or allotted was or ought to have been held, and shall pass in like manner as the copyhold or customary Land in respect whereof such exchanges, partitions or allotments shall be made, and as to copyhold or customary allotments without any new admittance in respect of the lands taken or allotted respectively; and the Land given in exchange or on partition or allotted in respect of leasehold Land, shall in like manner be deemed leasehold, and shall be held under the same rents and covenants as the Land in respect of which it may have been allotted was held; and the remainder or reversion thereof shall be vested in the same lessor respectively as the remainder or reversion of such other Land was vested before the exchange, partition or allotment, except where otherwise particularly directed by this Act.

91.  
Leases at  
Rack-rent  
may be  
voided.

And be it Enacted, That immediately after the allotments herein directed to be made on any Inclosure shall have been marked and staked out, the Valuer acting in the matter of such Inclosure may direct the same to be entered upon by the persons respectively for whom the same shall be intended; and immediately after the Valuer shall so direct them to be entered upon, all leases, agreements and tenancies at rack-rent subsisting of any part of the Land to be inclosed, or which shall be exchanged in pursuance of this Act, or any common right thereon, shall, so far only as respects the Land to be divided and allotted or exchanged or common right, cease and be void at such time or times as the Valuer shall, by writing under his hand, direct or appoint, so as the respective lessors or landlords of such Land do, before or at the respective times at which such leases, agreements or tenancies shall be directed to cease, make and pay such satisfaction to the respective lessees or tenants for the loss which shall be sustained by the determination of such leases, agreements and tenancies respectively, so far as regards the Land or common right, the leases, agreements and tenancies whereof are hereby authorized to be determined as shall be mutually settled and agreed between them, or as the Valuer, being required by either of the parties, shall ascertain and direct; and the Valuer, being so required, is hereby empowered and directed, by writing under his hand, to apportion a reasonable and proportionable part, having regard to the season of the year, of the rent reserved on any such lease, agreement or tenancy for or in respect of the time which shall have elapsed between the last day on which any payment of the rent shall have become due and the determination of any such lease, agreement or tenancy, and such part of the rent shall be recoverable by such ways and means as may by law be used for the recovery

recovery of rent in arrear; and the Valuer is hereby empowered and directed, in every case where such Land or common right shall be held by virtue of any such lease, agreement or tenancy, together with other Lands or hereditaments, by one entire rent, by writing under his hand, to apportion and determine what part of such rent shall be deducted in respect of the Land or common right in such lease, agreement or tenancy comprised, as to which the same shall be determined as aforesaid, and from what time such deduction shall take place; and the rest of the rent reserved on any such lease, agreement or tenancy shall during the remainder of the term thereof be the rent of and for the residue of such Lands and hereditaments, and shall be payable and recoverable in like manner as the entire rent reserved by such lease, agreement or tenancy shall immediately before such apportionment be payable and recoverable; and the lessor or reversioner shall in respect of such apportioned rent, and in respect of the residue of such Lands and hereditaments, have the benefit and advantage of the provisoes and conditions which would have been applicable to the entire rent, and to all the Lands and hereditaments comprised in such lease, agreement or tenancy in case such lease, agreement or tenancy had not been determined as to any part of such Land.

Provided always, and be it Enacted, That in every case all seigniories, royalties, franchises and manorial jurisdictions whatsoever, in or upon the Land to be inclosed under this Act, shall not be deemed to be compensated or extinguished, but shall be saved and excepted out of the operation of this Act, unless in and by the award it shall be declared, with the consent of the Lord or respective Lords interested therein, that such seigniories, franchises, royalties and jurisdictions shall be extinguished upon the proposed Inclosure.

92.  
Seigniories  
not affected  
except with  
consent.

Provided always, and be it Enacted, That in every case in which, under the provisions hereinafter contained, part of the Land subject to be inclosed under this Act shall be converted into and used as a regulated pasture, and the residue thereof shall be divided and allotted in severalty, it shall be lawful for the Valuer, having regard to the right of the Lord of the Manor, as the same shall have been ascertained and declared by the provisional order of the Commissioners and with the consent of the Lord of the Manor, and a majority in value of the other persons interested in the Lands proposed to be inclosed, to direct that the rights of the Lord of the Manor in and to the mines and minerals under such part of the Land as shall be converted into and used as a regulated pasture, shall be reserved to the Lord; and that the mines and minerals under the residue to be divided and allotted in severalty, shall become the property of the owners of the respective allotments, and that the allotments be adjusted accordingly.

93.  
Minerals  
under  
regulated  
pastures may  
be reserved  
while mine-  
rals under  
Lands to be  
held in seve-  
ralty are  
relinquished.

94.  
Right to Mi-  
nerals under  
Land in-  
closed, exist-  
ing distinct  
from the pro-  
perty in the  
surface, and  
not compen-  
sated upon  
inclosure, not  
affected.

Provided also, and be it Enacted, That in every case in which the right to the mines and minerals under any Land inclosed under this Act shall exist as property distinct and separate from the property in the surface, and shall not be compensated upon the Inclosure, the right and property in such mines and minerals shall be in nowise affected by the Inclosure; and in case any mines and minerals under any Land inclosed under this Act, or the right of searching for or getting the same shall have been leased or agreed to be leased to any person as property distinct and separate from the property in the surface, with or without powers over the surface of the Land auxiliary to the purposes of such lease, the rights of the lessee or tenant under such lease or agreement shall be in nowise affected by the Inclosure. 5 10

95.  
Trees to be  
allotted with  
the Land.

And be it Enacted, That the timber-trees and other trees and underwood standing and growing upon any Land to be inclosed shall be allotted and go along with the Land whereon they respectively stand, and shall be deemed the property of the several persons to whom the same Land shall be respectively allotted, such person paying to the owner of such trees and underwood such sums of money for the same, and at such time or times and place or places, as the Valuer shall by writing under his hand direct; but if the parties who are to make such respective payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective parties who shall be entitled to have and receive such payments to enter on the said Lands, and cut down, take and carry away to their own use the said trees and underwood in respect of which the said payments were respectively to be made to them at any seasonable time or times within *One Year* next after such neglect or default, doing as little damage on the Land as may be. 15 20 25

96.  
Cattle not to  
be depastured  
on Roads.

And be it Enacted, That no person shall graze or keep any horse, beast, cattle, sheep or swine upon any of the roads or ways which the Valuer shall order to be set out, and which shall be fenced on both sides for the space of *Seven Years* next after the execution of the award; and every owner of Land to be inclosed, his servants and labourers, and also every peace officer and parish officer of the parish in which the Land shall be situate for the time being, is hereby empowered to take and impound any such horse, beast, cattle, sheep or swine which shall be found so grazing as aforesaid, as cattle damage feasant: Provided always, That nothing herein contained shall prevent the proprietors of the Land which shall next adjoin the private roads and ways from depasturing their cattle thereon, so far as the frontage of their respective Land extends. 30 35 40

97.  
Alteration  
may be made  
in Allotments.

And be it Enacted, That it shall be lawful for the Valuer acting in any Inclosure, at any time before the confirmation of the award, with

with the approbation or by the direction of the Commissioners, to make any alterations which he may think right and expedient in the allotments or in the fences which he may have set out and ordered, or in the private roads he may have set out, or in any of the orders or directions relating thereto which he may have made in the matter of such Inclosure ; and in case any person shall be injured by any such alteration on account of any expenses he may have incurred or otherwise, the Valuer shall ascertain and determine what recompense shall be made to him for such injury, and shall either pay the amount thereof out of the monies raised for the expense of the Inclosure, or shall direct by whom and in what manner such recompense shall be made ; and in case of non-payment thereof, the same shall be recovered in the same manner as penalties and forfeitures are recoverable under this Act.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall as soon as conveniently may be, after the division and allotment of the Land to be inclosed shall be completed, draw up a report in writing, with a map thereunto annexed, which shall specify all the claims allowed and all the allotments, exchanges and partitions made in the matter of such Inclosure, and all roads, ways and works set out or directed to be made by the said Valuer ; and such report shall contain all such particulars in relation to such allotments, roads, ways and works as are by this Act directed, and all such other directions and determinations authorized by this Act, as the said Valuer shall think proper for the purposes of the Inclosure ; and the map to be annexed to such report shall comprise and show the Land to be inclosed and the Lands exchanged, and also the Lands in respect of which any allotments of the Land inclosed shall have been made, and shall distinguish by proper references the allotments made in respect of the several Lands respectively, and such other particulars as the Commissioners shall by any general or special instructions in relation to such report direct the Valuer to set forth therein ; and such report shall be signed by the Valuer, and shall, together with the map thereunto annexed, be sent to the Office of the Commissioners.

98.  
Report of the  
Valuer.

And be it Enacted, That as soon as the report of the Valuer shall have been sent to the Commissioners, they shall cause a copy of the same to be deposited at some convenient place within the parish in which the Land to be inclosed or some part thereof shall be situate, for the inspection of all persons interested in such Land ; and shall forthwith cause notice to be given in such manner as to them shall seem fit, where the said copy may be inspected ; and shall also in such notice appoint some convenient place, and such times as they shall think necessary (the first not earlier than *Twenty-one* Days from the first giving of such notice), for holding a meeting to hear objections to any allotment, direction, determination or matter in the report ;

99.  
Deposit of  
Report.

and the Commissioners or some Assistant Commissioner at such meeting as aforesaid, shall hear and determine any objections which may be then and there made to any such allotment, direction, determination or matter by any person interested therein, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting; and may, if they or he shall see occasion, direct any further valuation or survey of the Land or any part thereof, and take such other measures for ascertaining the justice and propriety of the determinations and directions of the Valuer, as to the Commissioners or Assistant Commissioner shall seem proper; and from time to time, if they or he shall see occasion, fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed, with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, and made such inquiries as the Commissioners shall think fit in relation thereto, the Commissioners shall approve such report, or cause the allotments, directions, determinations and matters therein mentioned, or any of them, to be amended as they shall see occasion.

100.  
Award.

And be it Enacted, That after such proceedings as aforesaid shall have been had, and all such objections to such report (if any) shall have been finally disposed of, and such amendments (if any) shall have been made in the allotments, directions and matters therein contained as aforesaid, the Valuer, under the direction of the Commissioners, shall cause to be drawn up and engrossed on parchment the award in the matter of such Inclosure, which shall be signed by the Valuer, and shall contain or set forth the allotments, exchanges, partitions, directions and matters contained in such report if so approved as aforesaid, or such allotments, exchanges, directions and matters therein contained as the same shall have been amended as aforesaid, and shall annex to such engrossment the map referred to by such report; and the Commissioners shall confirm such award, with the date of such confirmation thereunto annexed, under their hands and seal.

101,  
Award con-  
clusive.

And be it Enacted, That such confirmation as aforesaid shall be conclusive evidence that all the directions of this Act in relation to such award, and to every allotment, exchange, partition and matter therein set forth and contained, which ought to have been obeyed and performed previously to such confirmation, shall have been obeyed and performed; and no such award shall be impeached by reason of any mistake or informality therein, or in any proceeding relating thereunto, or on account of any want of any notices or consents required by this Act, or on account of defects or omissions in any previous

previous proceeding whatever in the matter of the Inclosure; and every allotment, exchange, partition, direction, matter and thing specified and set forth in such award as aforesaid, shall be binding and conclusive on all persons whomsoever.

- 5 And be it Enacted, That the several allotments which shall upon any Inclosure under this Act be allotted to the several persons who shall be entitled to the same, shall when so allotted be and be taken to be in full bar of and satisfaction and compensation for their several and respective Lands, rights of Common, and all other rights and pro-
- 10 perties whatsoever, not excepted or reserved by this Act, or by the award in the matter of such Inclosure, which they respectively had or were entitled to in and over the said Lands immediately before such Inclosure; and that from and immediately after the confirmation of the award by the Commissioners, or at such earlier time as the Valuer,
- 15 with the approbation of the Commissioners, shall by notice on the church-door direct, all rights of Common, and all rights whatever by the Inclosure intended to be extinguished, belonging to or claimed by any person whomsoever in or upon such Lands, shall cease, determine and be for ever extinguished.

102.  
Allotments to be in compensation of previous rights.

- 20 And be it Enacted, That the allotment which upon any Inclosure under this Act shall be made for the labouring poor, shall be under the management of the incumbent of the parish in which such allotment shall be situate, (or the officiating minister for the time being, nominated by the incumbent for that purpose), the churchwarden, if
- 25 there be but one, or (if there be more than one), one of the churchwardens for the time being, one of the overseers of the poor for the time being of such parish, and two other persons who shall be rated to the relief of the poor in such parish, and such churchwarden, where there is more than one churchwarden, and such overseer shall be yearly
- 30 named, and such two other persons shall be yearly chosen at the same time and by the same persons and in the same manner as the overseers of the poor for such parish shall be chosen, and shall continue in office in like manner until the next election of overseers, or until others are named and chosen in their stead, and such incumbent (or
- 35 officiating minister), churchwarden, overseer and two other persons for the time being, shall be styled "The Allotment Wardens" of the parish, and shall manage and let the said allotment as hereinafter provided, and all things by this Act authorized to be done by such Allotment Wardens, may be done by any two of them, and in the event of
- 40 the death or retirement from office of any one or more of the said Allotment Wardens, the surviving or continuing Wardens may act as if no such vacancy had happened.

103.  
Allotment Wardens.

And be it Enacted, That the Allotment Wardens shall from time to time let the allotment under their management in gardens, not exceed-

104.  
Allotments how to be let.

ing half an acre each, to such poor inhabitants of the parish for one year, or from year to year, at such rents payable at such times and on such terms and conditions, not inconsistent with the provisions of this Act, as they shall think fit : Provided always, That the gardens so to be let shall be let free of all tithes or tithe rent-charge (if any), rates, taxes and assessments whatsoever, and shall, before the first letting thereof, and once at least in every Ten Years after such first letting, be valued by a competent person to be appointed by the Allotment Wardens for that purpose, who shall estimate the full rent which the same would be worth, to be let by the year for farming purposes, all tithes or tithe rent-charge, rates, taxes and assessments, being borne by the landlord, and shall verify such valuation by solemn declaration under the statute, and the rent at which the same gardens respectively shall be let, shall be not below the full yearly value of the land, according to the last of such valuations, and the Allotment Wardens shall, for the purposes of all rates and taxes, be deemed the occupiers of such allotment, and shall pay all rates and taxes, tithes and tithe rent charge (if any) in respect thereof.

105.  
Recovery of  
gardens on  
non-payment  
of Rent, &c.

And be it Enacted, That if the rent reserved upon the letting of any garden by the Allotment Wardens shall at any time be in arrear for *Forty* Days, or if at any time during the tenancy being not less than *Three* calendar Months after the commencement thereof, it shall appear to the Allotment Wardens, that the occupier of such garden shall not have duly cultivated the same, or if such occupier shall not have duly observed the terms and conditions of his tenancy, or shall have gone to reside out of the parish, then, and in every such case, the Allotment Wardens shall serve a notice upon such occupier, or in case he shall have gone to reside out of the parish, shall affix the same to the door of the church of the parish, determining the tenancy at the expiration of *One Month* after such notice shall have been so served or affixed, and thereupon such tenancy shall be determined accordingly.

106.  
Possession,  
how to be  
recovered  
from Tenant  
holding over.

And be it Enacted, That in case, upon the determination of any such tenancy as aforesaid, the occupier of any such garden shall refuse to quit and deliver up possession thereof, or if any other person shall unlawfully enter upon, take or hold possession of any such garden, or of any part of such allotment, the Allotment Wardens may recover possession according to the mode prescribed by an Act passed in the second year of the reign of Her Majesty Queen VICTORIA, intituled, "An Act to facilitate the recovery of Possession of Tenements after due Determination of the Tenancy," in such and the same manner as if the said Wardens were landlords or a landlord, and as if such over holding occupier or other person were a tenant neglecting or refusing to quit and deliver up possession within the meaning of the last-mentioned Act.

And

And be it Enacted, That all rents payable in respect of the allotment under the management of the Allotment Wardens shall be payable to such Wardens, who shall have the same remedies for recovery thereof by distress and otherwise, as if the legal estate of and in such allotment were vested in them under this Act, and such rents shall be applicable, in the first place, to the payment of all rates, taxes, tithes, tithe rent-charge, and of the rent-charge charged on such allotment under the provisions of this Act, and of all expenses incurred by the Allotment Wardens in the execution or their trusts and powers under this Act, and the residue, if any, of such rents shall be paid to the Overseers of the poor in aid of the poor-rates of the parish, and be applicable in the same manner as and subject to all the provisions concerning the monies assessed for the relief of the poor.

107.  
Rents of Allotment how to be applied.

And be it Enacted, That all arrears of rents for any garden let by the Allotment Wardens shall, in case there shall be no sufficient distress on the premises, be recoverable in the same manner as penalties and forfeitures are recoverable under this Act.

108.  
Arrears of Rent how recovered.

Provided always, and be it Enacted, That when any award so confirmed as aforesaid shall not have distinguished the several tenures of any of the Lands therein mentioned, or the different estates or titles for or under which the same shall be held, or shall have set out and awarded an aggregate allotment in any case in which there should have been set out and awarded several and distinct allotments, it shall be lawful for the Commissioners at any time within *Twelve Months* after the confirmation of the award, upon request in writing to them made by any person interested in any such aggregate allotment, to do all such acts as may be necessary for supplying such omission, and for subdividing such aggregate allotment, and for that purpose to examine witnesses, and proceed as if the said award had not been confirmed; and by any order or instrument under their hands and seal, to subdivide any aggregate allotment into separate allotments, and to distinguish and set out the allotments and Lands held by different tenures, and also the allotments and Lands held by, for or under different estates or titles respectively, in the same manner as by this Act is authorized and required to be done in cases where such allotments and Lands are directed to be ascertained, distinguished and set out by the Valuer; and every such separate instrument shall have the same power and effect as if it were contained in the said award; and such instrument shall be engrossed and deposited with the award, and shall thenceforth be deemed to be part thereof to all intents and purposes; and all the expenses which shall be reasonably incurred in or about any such subsequent inquiry or separate instrument as aforesaid, and the engrossment thereof, shall be paid by the party who shall have requested the

109.  
Allotments may be subdivided by supplemental order.

Commissioners to make and execute the same, or by his executors or administrators.

110.  
Regulated  
Pastures may  
be set out.

And be it Enacted, That it shall be lawful for the Commissioners on the application in writing of persons interested in any Land which shall be directed to be inclosed under this Act, whose interest shall exceed in value *One-half* of the whole interest in such Land (such application to be made at any time before the instructions to the Valuer shall have been delivered to him under the seal of the Commissioners as hereinbefore provided), to direct such Land or any part thereof to be converted into and used as a regulated pasture, to be stocked and depastured in common by the persons interested therein in proportion to their respective rights and interests, as the same shall be determined on the examination of claims; and in case part of such Land only shall be so directed to be stocked and depastured in common, the Valuer shall, subject to the instructions which shall be given to him under the provisions of this Act, ascertain and set out the part which shall be so used as a regulated pasture, and shall direct how and at whose expense the same shall be fenced and divided from the residue of such Land; and the Valuer acting in the matter of such Inclosure shall in every case where Land shall be so directed to be used as a regulated pasture, ascertain and allot the respective stints or rights of pasturage (specifying the respective numbers of the respective kinds of stock or animals to be admitted to the pasture in respect of such respective stints or rights of pasturage, with such option as to equivalent numbers of the respective kinds of stock and animals as he shall think just, and if he shall think fit, specifying the time during which such stock or animals may be kept on the pasture), as he shall adjudge and determine to be proportionate to the value of the respective rights and interests of the persons interested as aforesaid; and the Commissioners may frame such directions as they shall think fit for guiding the Valuer in the correct specification of such stints or rights: Provided always, That in every case in which part only of the Land subject to be inclosed under this Act shall be so directed to be used as a regulated pasture, and the residue thereof to be divided and allotted in severalty, it shall be lawful for such Valuer, having regard to the convenience of the persons interested in such Land, to award to any such person either a stint or right of pasture, or an allotment in severalty only, or both a stint or right of pasture and an allotment in severalty, so as such stint or right only or such allotment only, or (as the case may be) such stint or right and allotment together, be in the judgment of the Valuer proportionate to the right and interest in respect of which the same shall be awarded: Provided also, That in any case in which it shall appear to the Valuer that the proportionate right or interest of any person is too small to be conveniently compensated by a stint or right

right of pasture, or that it is not practicable wholly to compensate such person by a stint or right of pasture, and the circumstances of the Inclosure will not admit, in the judgment of the Valuer, of an adjustment or compensation by an allotment in severalty, it shall be lawful  
 5 for such Valuer, for the purpose of compensation or adjustment, to direct a sum of money to be paid to such person in lieu of or (as the case may require) in addition to the award of a right of pasture or stint; and such sum of money shall be paid out of the monies applicable to the payment of the expenses of the Inclosure.

10 And be it Enacted, That all the provisions and powers hereimbefore contained in relation to public and private roads, ways and works, and all other the powers, provisions and directions, penalties and forfeitures applicable to the case of an Inclosure under this Act, and the provisions and directions concerning examination of claims, and the rehearing  
 15 thereof, and the report of the Valuer, and the amendment of the matter thereof, and the award, and the confirmation and effect of the award shall be applicable to the case where the Land subject to be inclosed shall be directed to be used as a regulated pasture; and the word "Inclosure" shall in every case in this Act, where the context is not  
 20 repugnant to such construction, include the conversion of Land subject to be inclosed into such regulated pasture, and the proceedings in relation thereto.

111.  
 Conversion into regulated Pasture to be deemed an Inclosure.

And be it Enacted, That in every case in which Land shall be directed to be converted into and used as regulated pasture under this  
 25 Act, the Valuer acting in the matter of the Inclosure shall determine and direct the proportionate shares or aliquot parts which the respective owners, for the time being, of the several stints or rights of pasture shall be liable to pay of any sum of money which shall be raised by way of rate on such owners under the provisions of this  
 30 Act; and such determination and direction, in case the same shall be approved, or as the same may be amended by the Commissioners, shall be for ever after observed in every rate to be made under the provisions of this Act, and shall be the rule also, according to which the proportionate values of the stints shall be determined in taking  
 35 the votes of the owners of stints under the provisions hereinafter contained.

112.  
 Rule of Rating to be established.

And be it Enacted, That the right of soil of and in all Land which shall be converted into regulated pastures, shall, subject to the right of the Lord of the Manor to the mines and minerals where the same  
 40 shall be reserved to him under this Act, and to the other rights given or reserved by this Act and the award in the matter of such Inclosure, be vested in the persons who, under the directions and determinations of such award, shall be the owners of the stints or rights of pasture therein,

113.  
 Property of Soil of regulated Pastures.

therein, in proportion to the shares or aliquot parts which such stints shall be thereby declared liable to of any rate under this Act as tenants in common.

114.  
Election of  
Field reeves.

And be it Enacted, That where any Land shall have been converted into a regulated pasture under the provisions of this Act, a meeting shall be called by the Commissioners of the owners of the stints or rights of pasture at such time after the confirmation of the award as the Commissioners shall, by notice on the church-door, appoint; and the major part in value of such owners present at such meeting shall elect a fit person or persons to be field reeve or reeves of such regulated pasture, and every field reeve so to be elected as aforesaid, or to be elected or re-elected at any subsequent meeting, shall continue in office until the expiration of *Fifteen Days* after the day of the annual meeting of such owners then next following, and no longer, unless he shall be re-elected at such annual meeting; and such owners shall ever after such first meeting meet for the election of a field reeve or field reeves on the First Monday in February in every year, and the owners assembled at such meetings shall from time to time fix, increase or diminish the salary or payment to be made to every such field reeve, and may appoint or authorize any field reeve to appoint and employ herds and assistants as such owners may think fit; and any such field reeve may be removed by *Four-fifths* in value of the owners of stints present at any meeting called for the purpose by *Fourteen Days'* notice on the church door, under the hands and seals of any Two Justices of the Peace; and in case any such field reeve shall die while he shall hold such office, or shall be removed as aforesaid, it shall be lawful for the majority in value of owners of stints or pastures present at any meeting, which upon such vacancy any Two owners may call, by *Fourteen Days'* notice on the church-door, to appoint a field reeve in his place, who shall hold the office until the expiration of *Fifteen Days* after the then next annual meeting; and a certificate in writing, under the hands and seals of Two Justices of the Peace of the election of any field reeve (which certificate any Two Justices of the Peace are authorized, if they think fit, to give on the request and upon the declaration of any owner of such stints present at the meeting at which the election shall have taken place), shall in all matters and proceedings whatsoever, in which any acts done by any field reeve in the execution of his office shall be in question, be evidence that he was duly appointed field reeve.

115.  
Duties of  
Field reeves.

And be it Enacted, That the field reeve or reeves for the time being of every such regulated pasture shall, subject to such orders and instructions in writing as may from time to time be agreed on by the majority in value of the owners of such stints as aforesaid, at their yearly meetings, regulate

regulate the times in each year during which stock or animals shall be admitted to and excluded from such regulated pasture, and shall maintain and keep in order the fences, gates, ditches, drains, watercourses, embankments, jetties and weirs, or make any new fences, gates, ditches, drains, watercourses, embankments, jetties or weirs, and do all works necessary for the maintenance and improvement and good order of such regulated pasture; and shall and may distrain all stock and animals found thereon, contrary to the regulations of such pasture, and do all other acts for the maintenance and improvement of such regulated pasture, and the convenient use and occupation thereof, as the field reeve or reeves, subject to such instructions as aforesaid, may think fit; and where there shall be any buildings on such regulated pasture, or where the majority in value of the owners of stints at any yearly meeting shall direct that any buildings be erected thereon, such field reeve or reeves shall or may maintain and keep in repair such buildings, or cause such buildings to be erected in pursuance of such direction, and let the same from year to year, or under such instructions as aforesaid, for any term of years, and shall receive the rents thereof; and such rents shall be applicable in the first place to the same purposes as the rates hereinafter authorized to be raised on the owners of stints are made applicable, and the residue (if any) shall be paid to the owners of stints in proportion to the respective liability of their stints to such rates.

And be it Enacted, That when it shall appear to the majority in value of the owners of stints present at any annual meeting that the condition of the pasture would admit of an increase of the respective rights of pasture thereon, or would require a diminution of such respective rights, it shall be lawful for such majority of the owners so present to direct that the respective number of stock or animals to be admitted to the pasture in respect of the several rights be increased, or, as the case may be, diminished, rateably, to such extent as they shall think fit: Provided always, That in case it shall happen that the right of any such owner shall not be sufficient to admit of a rateable increase or diminution, such annual money-payment shall be made to such owner in lieu of increase of his right, or, as the case may be, charged on such owner in lieu of the diminution of his right, as such majority shall award; or in case the person to or on whom such money-payment shall be awarded or charged shall think the sum awarded insufficient, or the sum charged excessive, then as any Two Justices of the Peace shall, upon the complaint of such person, and after summons of the field reeve or one of the field reeves of such pasture, (which may be in the form in the Schedule to this Act), and on hearing in a summary way the matter in difference, think reasonable, and order to be paid, and such order may be in the form in the Schedule to this Act; and every such money-payment payable in lieu of increase

116.  
Provision  
for rateable  
increase or  
diminution  
of rights.

of right shall be paid annually by the field reeve out of the monies raised by the rate made for the expenses of such regulated pasture ; and the money charged on any such owner shall be recoverable as a rate on owners of stints is hereby made recoverable ; and all annual payments payable as aforesaid, shall be payable on the First Monday 5 in February in every year.

117.  
Expenses to  
be raised by  
Rate.

And be it Enacted, That all salaries and allowances to field reeves and other persons and all expenses in and about the management of every such regulated pasture, and the repairs and erection of buildings thereon, under the directions of such meetings of owners as aforesaid, 10 and all other expenses of such regulated pasture, shall be paid and defrayed by the owners of the respective stints therein ; and for that purpose it shall be lawful for the field reeve, or one of the field reeves, under the directions of any such meeting of owners, from time to time to make a rate on the respective owners for such sum as the majority of owners present at such meeting shall think requisite ; and every such rate shall be 15 apportioned and paid by the owners according to the rule of rating established for such regulated pasture, and shall be paid to the field reeve on demand thereof ; and in case the same shall not be paid within *Fourteen* Days after demand thereof, shall be recoverable by distress ; and it 20 shall be lawful for any field reeve to exclude from such regulated pasture the stock or animals of any owner or his tenant whose proportion of the rate shall be in arrear and unpaid for *Fourteen* Days after demand thereof, until the proportion of such rate so in arrear shall be fully paid ; and any such demand or distress may be made of or on the 25 occupier of any such stint as if the occupier were the owner liable to the payment of such rate, and such rate may be paid by any such occupier on demand thereof, and the money so paid by such occupier shall be deemed a payment on account of his rent, and shall be allowed by his landlord accordingly. 30

118.  
Power to  
apply the Act  
to Pastures  
already  
stinted.

And be it Enacted, That where any Land shall be already occupied as a gated or stinted pasture, and any of the persons interested in such gated or stinted pasture, whose interests shall not be less in value than *Two-thirds* of the whole interest therein, shall be desirous that such gated or stinted pasture should be subject to the provisions of this 35 Act concerning regulated pastures, without being subject to the other provisions concerning lands subject to be inclosed under this Act, and shall make application in writing to the Commissioners to take proceedings for that purpose, it shall be lawful for the Commissioners, after making such inquiries as may appear to them necessary, to cause to be 40 ascertained by any Valuer to be appointed or approved by the Commissioners for that purpose, the proportionate rights and interests of the several persons interested in such pasture, and also the respective rights of pasture to which, having reference to the productiveness of

of such gated or stinted pasture, the several persons interested therein may, in the judgment of such Valuer, be entitled, and such Valuer shall determine and direct, as hereinbefore mentioned, the proportionate liability to rates under this Act, of the occupiers of stints or rights of pasture, and in like manner as in case of the conversion into regulated pasture of Land subject to be inclosed upon an Inclosure under this Act; and the Commissioners shall hear, or cause to be heard by an Assistant Commissioner any objections to the determinations of claims by and to the report of the Valuer respectively, and approve or amend such determinations and such report respectively as they shall think fit; and the Valuer, under the direction or with the approval of the Commissioners, shall frame and cause to be engrossed an award, setting forth such draft award and the matter of such report, and the Commissioners shall confirm the same, with the date of the confirmation under their hands and seal; and from and after the confirmation of such award, such gated and stinted pasture shall be subject to all the provisions herein contained concerning Land subject to be inclosed, converted into and used as regulated pasture, and shall be rateable under such provisions according to the rule of rating as set forth in such award, and such award shall be as binding and conclusive as if the same had been made and confirmed on an Inclosure under this Act.

And be it Enacted, That all the expenses of or attending the proceedings for subjecting Lands already used as gated or stinted pasture, to the provisions of this Act, concerning Lands subject to be inclosed, converted into or used as regulated pasture, shall be paid and borne by the persons interested therein, in proportion to their respective liabilities to rates under this Act, according to the rule of rating established in respect of such gated or stinted pasture under this Act; and shall be paid at such time and place, and to such persons as the Valuer, with the approbation of the Commissioners, signified by writing under their hands and seal, shall direct; and shall be recoverable in such and the same manner as the expenses of an Inclosure made in pursuance of this Act.

119.  
Expenses of application of Act to Pastures already stinted.

And be it Enacted, That for surveying and valuing any Land to be inclosed or otherwise dealt with under this Act, and for the other purposes of this Act, it shall be lawful for the Commissioners or an Assistant Commissioner or Valuer, or any person or persons to be appointed by such Commissioners, Assistant Commissioner or Valuer to make any survey, admeasurement, plan or valuation with assistants and servants, and at any time or times whatsoever, until the Inclosure or other proceedings under this Act shall be completed, to enter into, view and examine, survey or admeasure all and every part of the Land to be inclosed or dealt with, and also any Lands necessary or

120.  
Power to enter Land for Surveys, &c.

proper to be surveyed or valued for the purposes of such Inclosure, and to do or cause to be done any act or thing necessary for putting this Act into execution.

121.  
Expenses of  
Inclosures.

And be it Enacted, That the allowances and payments to be made to and by the Valuer, and all other the expenses of every Inclosure, except the allowances and salaries to the Assistant Commissioners, Secretary, Clerks, Messengers and officers of the Commissioners, and the travelling and other expenses of the Commissioners and Assistant Commissioners, and except any expenses which the Commissioners or Assistant Commissioner, or any court under the powers of this Act shall order to be otherwise paid, shall be borne and defrayed by the several persons interested in the Lands to be inclosed (except the Surveyors of Highways, Churchwardens and Overseers and persons to whom Lands shall be allotted for public purposes, in respect of the allotments hereinbefore authorized or directed to be made to them respectively), in such shares and proportions, and shall be paid at such time and place, or respective times and places, and to such persons as the Valuer, with the approbation of the Commissioners, signified by writing under their hands and seal, shall direct; and such Valuer shall give notice requiring payment of the respective shares and proportions of such expenses on the church-door, or deliver to the respective persons liable to the payment of such expenses, at least *Fourteen* Days before the time appointed for such payment, a copy of such order; and the Valuer shall from time to time make estimates of all such expenses, and raise the amount of such estimates at such times as he shall, with such approbation of the Commissioners, deem proper, either before or after the confirmation of the award.

122.  
Remedies in  
case of non-  
payment of  
Expenses.

And be it Enacted, That if any person shall refuse or neglect to pay his proportion of such expenses within such time and to such person as the Valuer shall appoint, it shall be lawful for the Valuer to recover the same, together with lawful interest, to be computed from the day on which the same ought to have been paid, by action at law in his own name, in any of Her Majesty's Courts of Record at Westminster; or it shall be lawful for him by warrant directed to any person whomsoever, to cause the same, with such interest thereon as aforesaid, to be levied by distress, or it shall be lawful for the Valuer, or any person authorized by him immediately after such neglect or refusal, to enter into and upon the premises so to be allotted to such person, and demise the same, or to demise any stint or right of pasture allotted to such person, and receive the rents and profits thereof respectively, until thereby or otherwise such share or proportion, with lawful interest as aforesaid, and also all the costs and expenses attending such entry upon, and demise and receipt of the rents and profits of the said premises, shall be fully paid and satisfied.

Provided

Provided always, and be it Enacted, That if at any time after the allotments shall have been staked out it shall appear to the Valuer, either before or after the confirmation of the award, that the money to arise by any previous rates will not be sufficient to defray the expenses aforesaid, the deficiency shall, with such approbation of the Commissioners as aforesaid, be made up and raised from time to time by a rate to be made and levied upon the several persons interested in the Lands to be inclosed (except as aforesaid), in such shares and proportions, within such time, and to be paid to such persons as the Valuer shall from time to time direct; and in case any persons hereinbefore made subject to the payment of any money towards such expenses shall neglect or refuse to pay his share or proportion of any such rate within the time appointed for that purpose, or at any time after such demand, the same shall be levied and recovered in the manner directed by this Act with respect to the previous rate.

123.  
Power to  
make addi-  
tional Rate.

And be it Enacted, That if any Valuer chosen or appointed to act in the matter of any Inclosure or other matter under this Act shall, before his duties shall be fully performed, refuse to attend to or become by sickness or otherwise incapable to act in such matter, or shall in the judgment of the Commissioners neglect his duties, or misconduct himself in his office, or become or be found incompetent or unfit to act as a Valuer under this Act, it shall be lawful for the Commissioners, by order under their hands and seal, to remove him from the office of Valuer; and if any Valuer shall be so removed, or shall die, it shall be lawful for the Commissioners, by order under their seal, to appoint a Valuer in his stead; and the Valuer so appointed shall have the same powers as if he had been chosen at a meeting of the persons interested in the Land in manner hereinbefore directed.

124.  
Commis-  
sioners may  
remove  
Valuers.

And be it Enacted, That it shall be lawful for the Commissioners, having regard to the time and labour and expenses of the Assistant Commissioners, and all other persons employed and paid by the Commissioners in or about any Inclosure, exchange, division, partition or other proceeding under this Act, by any order under their hands and seal, to order and declare that a sum, in such order to be mentioned, be paid to the Commissioners in respect of the proportion of the general expenses of the Commissioners which ought to be borne in respect of such Inclosure, exchange, division, partition or other proceeding; and the Commissioners shall by such order declare such sum to be charged on the persons interested in the Land to be inclosed, or to which such proceeding shall relate, in such shares as they shall think just, and shall appoint a time for payment thereof; and the same shall be raised in the same manner as the expenses of the Inclosure, or of subjecting the Land to the provisions concerning regulated pasture, are directed to be raised under this Act, and be deemed part of the expenses of the Inclosure or matter aforesaid, or in the case of an

125.  
Repayment  
to Consoli-  
dated Fund.

exchange, division or partition, in the same manner as the expenses of such exchange, division or partition, and when raised shall be paid to the Commissioners, who shall forthwith pay the same into Her Majesty's Exchequer, to be carried to the account of the Consolidated Fund.

126.  
Persons  
attending  
Meetings to  
pay their own  
Expenses.

Provided always, and be it Enacted, That the several persons interested in the Inclosure or other proceeding under this Act, and their respective agents, shall pay their own expenses whenever they shall attend any of the meetings to be held in the matter of any Inclosure. 5

127.  
Expenses of  
Witnesses.

And be it Enacted, That the Commissioners or Assistant Commissioner acting in the matter of any Inclosure, where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, court-rolls and writings, maps, plans and surveys, or copies thereof, and all other expenses, (except the salary or allowance to any Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any award or apportionment before the said Commissioners, or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively; or in the event of such suit, difference or objections, and in such proportions as the Commissioners or Assistant Commissioner shall think fit and reasonable. 10 15 20

128.  
Power to  
mortgage  
Allotments.

And be it Enacted, That it shall be lawful for the respective persons interested in allotments in severalty, or allotments of stints or rights of pasture respectively, to be made under this Act, being tenants for life or in tail, or for any other estate of freehold or inheritance, and also for the husbands, guardians, trustees, committees or attornies of any of the proprietors being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, committees or attornies respectively, and for the trustees or feoffees for charitable, parochial or other uses, or the majority in number of them in respect of any Lands held by them in trust for any charitable, parochial or other uses (with the consent of the Commissioners testified in writing under their hands and seal), from time to time to charge their respective allotments with any money not exceeding as to any allotment in severalty *Five Pounds* per acre, towards their respective proportions of the Inclosure expenses, and for securing the repayment of such money with interest to mortgage or demise the said allotments unto or in trust for any person who shall advance any money for any term of years, but so that every such mortgage or demise be made with a condition to cease, or upon trust to be surrendered or assigned when the money thereby to be secured, with all interest thereon, shall have been fully paid; and so that in every such mortgage 25 30 35 40

gage or demise which shall be made by or on behalf of any person entitled to any such allotment for the term of his natural life, there be contained a covenant to pay and keep down the interest of the money to be secured during his life, in such manner that no person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger arrear of interest than for Six Months previous to the time when the title of such person shall accrue or commence; and every such mortgage or demise shall be valid in the law for the purposes thereby intended; and every such mortgagee and his assigns shall have the like remedies in case of non-payment of the monies thereby secured, as in the case of other mortgages of the like nature.

And be it Enacted, That it shall be lawful for the Commissioners on application made to them in writing by any of the proprietors of allotments to be made by virtue of this Act, or by any of the husbands, guardians, trustees, committees or attornies of or for any of such proprietors being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, committees or attornies respectively, or by any of the said proprietors being tenants in tail, or for life or by any trustees or feoffees for charitable, parochial or other uses, or by the majority in number of them, direct a sale of any part of any such allotment for raising a sum of money sufficient to defray the proportionable part of the expenses which shall in such rates be charged upon such parties, and of the expenses of making and completing such sale: Provided always, That in all cases in which the money so raised by any such sale shall not be equal to the money which might be borrowed or charged on such allotment as aforesaid, it shall be lawful for the proprietor, or the person hereinbefore authorized to direct a sale on behalf of the proprietor, part of whose allotment shall be sold as aforesaid, to charge his allotment with any sum not exceeding the difference,

129.  
Power to sell  
parts of  
Allotments.

And be it Enacted, That such sales shall be made by the Valuer, with the approbation of the Commissioners in the same manner and subject to the same regulations as are hereinafter prescribed in respect of the sale of part of the Land subject to be inclosed towards defraying the expenses of the Inclosure; and every part of an allotment for which the full purchase-money shall be paid, shall be conveyed by the Commissioners at the expense of the purchaser as he shall appoint, and shall be inclosed and held by such purchaser in severalty: Provided always, That nothing herein contained shall enable the Commissioners to convey any allotments set out by them as copyhold or customary as freehold, but such copyhold or customary allotments shall be held by the purchaser thereof by, under and subject to the same rents, suits and services as such allotment would have been held, in case no such sale had been made.

130.  
Sales of parts  
of Allotments  
how to be  
made.

131.  
Commissioners to  
receive and  
apply Purchase-money.

And be it Enacted, That the receipt of the Commissioners shall be a sufficient discharge to the purchaser for the said purchase-money ; and such purchase-money shall be applied by the Commissioners in or towards defraying the costs and expenses for raising which such sale shall have been made ; and the surplus (if any) shall be paid to the parties from whose allotments such sale shall have been so made respectively ; and the shares of such of them as shall be tenants in fee-simple shall be paid to them respectively, and the shares of the other proprietors of such surplus money shall be applied and disposed of in manner hereinafter directed.

132.  
Application of Compensation-money of Parties under disabilities.

And be it Enacted, That when any money is under the provisions of this Act directed to be paid for the purchase of any timber or wood growing on any Land, which shall belong to any tenant for life or in tail, or to any feoffee in trust, executor or administrator, husband, guardian, committee or trustee, for or on behalf of any infant, idiot, lunatic, feme covert or cestuique trust, or to any person whose Lands are limited in strict or other settlement, or to any person under any other disability or incapacity whatsoever, or to any corporation not being legally and equitably entitled to sell and dispose of such timber and wood, it shall be lawful for the Valuer out of such money to defray the proportion (if any) of the Inclosure expenses which shall be charged upon the Land, or any land held under the same title, on which such timber or wood actually grew, and also, with the approbation of the Commissioners, to defray the expense of any permanent improvement, such as building, subdividing, dividing, draining or planting, and the like, which shall in the judgment of the Valuer be proper to be made, and shall be made under his direction upon any Land to be under the powers of this Act allotted to such parties.

133.  
Investment of Surplus when 200 l. or upwards.

And be it Enacted, That if the surplus of any such monies or the surplus of any monies to arise from the sale of part of an allotment for raising money for expenses, where the same shall not be paid to the proprietors under the directions hereinbefore contained, shall amount to or exceed the sum of Two hundred Pounds, the same shall, with all convenient speed, unless the Commissioners shall otherwise direct, under the provisions hereinafter contained, be paid into the Bank of England, in the name and with the privity of the Accountant-general of the Court of Chancery, to be placed to his account there, exparte the Commissioners, pursuant to the method prescribed by an Act passed in the twelfth year of the reign of his late Majesty King GEORGE the First, intituled, "An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and the Endorsements thereon, as likewise the Endorsements on South Sea Bonds ;" and pursuant to the general rules and orders of the said Court, and without fee or reward, according to

to an Act passed in the twelfth year of the reign of his late Majesty King GEORGE the Second, intituled; "An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies not exceeding a Sum therein limited out of the common and general Cash in the Bank of England, belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant-General of the said Court;" and shall, when so paid in, there remain until the same shall, by order of the said Court made upon a petition, in a summary way, by the parties who would have been entitled to the rents and profits of the said Land, be applied to the following purposes or any of them; (that is to say)

The redemption or discharge of the Land Tax, or of any debt or other incumbrance affecting the same Land, or affecting other Lands standing settled therewith, to the same or the like uses or trusts;

The purchase of other Land to be conveyed or settled upon the like uses or trusts, or such of them as shall be then existing, undetermined or capable of taking effect.

And be it Enacted, That in the mean time, and until such application shall be made, the said money may, by order of the said Court to be made upon the like petition, be invested by the said Accountant-General in his name, in the purchase of Three Pounds per Centum Consolidated, or Three Pounds per Centum Reduced Bank Annuities, or of Government Securities; and the dividends or interest of such Annuities or Securities shall from time to time be paid by order of the said Court to the parties who would, for the time being, have been entitled to the rents and profits of the Lands so to be purchased, conveyed and settled.

134.  
Payment of  
Dividends in  
the mean-  
while.

And be it Enacted, That in case the surplus of any such monies as aforesaid shall be less than the sum of Two hundred Pounds, and shall exceed or amount to the sum of Twenty Pounds, the same shall, at the option of the parties who for the time being would have been entitled to the rents and profits of the said Land, or their Guardians or Committees in case of infancy, idiotcy, lunacy or other incapacity, with the approbation of the Commissioners, to be signified in writing under their seal, be paid into the Bank of England, in the name and with the privity of the said Accountant-general of the Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same may be paid at the like option and with the like approbation to Two Trustees, to be nominated by the said parties who for the time being would have been entitled to the rents and profits of the said Land as aforesaid, such nomination to be approved of by the Commissioners, and such nomination and approbation to be

135.  
Application  
of money  
under 200l.

signified in writing under the hands (or common seal, as the case may be) of the nominating parties, and under the seal of the Commissioners; and in any case in which such monies shall amount to or exceed the sum of Two hundred Pounds, the same if the Commissioners shall so think fit and direct, shall in like manner be paid to Trustees to be nominated and approved as aforesaid; and the money so paid to such Trustees, and the dividends and produce arising therefrom, shall be by them applied in like manner as is hereinbefore directed, with respect to money so to be paid into the Bank of England, but without obtaining or being required to obtain any order of the said Court touching the application thereof. 5 10

136.  
Under 201.

And be it Enacted, That in case the surplus of any such monies as as aforesaid shall be less than Twenty Pounds, the same shall be paid to the parties for the time being entitled to the rents and profits of the said Land for their own use and benefit; or in case of infancy, idiotcy, lunacy or other incapacity, then such money shall be paid to their Guardians, Committees or Trustees for the use and benefit of the parties respectively entitled thereto. 15

137.  
Sale of Land  
by Valuer  
or Expenses.

Provided always, and be it Enacted, That in case the Valuer acting in the matter of any Inclosure shall under the instructions hereinbefore required in this behalf proceed to raise all or any part of the expenses of the Inclosure by sale of part of the Land proposed to be inclosed, such Valuer shall set out such parts of the Land to be inclosed as he shall judge sufficient in value to defray the expenses aforesaid, and shall from time to time, as he shall find expedient, sell and dispose of the same by public auction or by private contract, with the approbation of the Commissioners; and the purchase-monies to arise by such sales shall be paid into the hands of the Commissioners, or as they shall direct, and shall be by them applied in discharging the said expenses. 20 25

138.  
Conveyances  
to be made  
by Commis-  
sioners.

And be it Enacted, That upon every sale to be made by the Valuer under the provisions of this Act, the Commissioners shall sign and deliver to each purchaser a receipt for his purchase-money, which shall be a sufficient discharge for the same; and upon receipt of the whole purchase-money for any of the Lands which shall be sold as aforesaid, the Commissioners shall convey such Lands and the fee-simple and inheritance thereof in possession, by conveyance under their hands and seal to such uses, and in such manner as such purchaser shall direct; and after such conveyance, the premises conveyed shall be freehold or inheritance, and shall be held to the uses and in manner expressed by such conveyance; and any such conveyance may be to the effect set forth in the Schedule to this Act, and shall be evidence of the regularity of the sale in pursuance of which such conveyance shall be made. 30 35 40

And

And be it Enacted, That all such purchase-monies as shall be from time to time raised or received by the Commissioners by such respective sales as aforesaid, shall, after payment of the charges and expenses attending such respective sales, be paid and applied by the  
 5 Commissioners towards the expenses of the Inclosure; and the respective purchasers or other persons paying the same, shall not in any manner be liable to see to the application, or be answerable for any misapplication thereof.

139.  
Application  
of purchase-  
monies.

And be it Enacted, That when under such instructions as herein-  
 10 before required in that behalf, the Valuer shall have been directed to sell the whole of any Land proposed to be inclosed under this Act, except the part thereof directed to be appropriated for public purposes, the Valuer shall and may sell and dispose of the whole of such Land, except as aforesaid; and such sale, and the conveyance thereof to the  
 15 purchasers, shall be made in all respects in the same manner as hereinbefore directed with respect to the sale of part of the Land proposed to be inclosed for payment of expenses; and the Commissioners shall in like manner receive the purchase-money to arise from such sales, and their receipt shall in like manner be a sufficient dis-  
 20 charge to the purchaser for the same; and the Commissioners shall invest such purchase-money, after payment thereof of the expenses of the sale and of the Inclosure in the name of any corporation as Trustees, or in the names of Three or more Trustees, to be named or approved by the Commissioners for that purpose, in the purchase of  
 25 Three Pounds per Centum Consolidated Bank Annuities, or Three Pounds per Centum Reduced Bank Annuities, and shall in and by the award cause to be apportioned and declared the shares of and in such annuities to which the several persons interested in the Land from the sale whereof the same shall have arisen shall be entitled, and in respect  
 30 of what Lands or Estates they shall be entitled, in such manner as hereinbefore directed in case of allotments of Lands by the Valuer, or as near thereto as circumstances will admit; and shall also direct and declare that the dividends accruing from time to time in respect of such annuities, or the respective shares thereof, shall be applicable  
 35 and applied by the Trustees to the payment of quit-rents, land-tax, or any other rent, tax, rate or annual charge, charged or to become charged upon any Lands remaining unsold, in respect of which the persons so declared entitled shall have been respectively declared to be entitled to such shares; and the residue, if any, of the dividends in  
 40 respect of such shares shall be payable in the same manner as the rents of such Land would from time to time be payable; and in case any person so declared entitled shall not be entitled in respect of any Land remaining unsold, the dividends in respect of the share of such person in such annuities shall belong to the persons who, for the time being, would have been entitled to the Land or right in respect of

140.  
Power to sell  
instead of  
allotting  
Land.

which such share of annuities shall have been allotted, in case the same had not been sold or extinguished; and such shares shall be considered in equity as real estate, and be transmissible accordingly: Provided always, That where it shall be shown to the satisfaction of the Trustees or Trustee for the time being of such annuities, that any person shall be entitled to or shall have acquired an absolute interest in any share thereof, such share may be transferred to such person, or as he may direct; and in such final award shall be contained such powers for the appointment of new Trustees from time to time, by such persons, and in such manner, and such directions for the indemnity and security of the Trustees, and for defraying out of the trust fund the expenses of the execution of the trust, as the Commissioners shall think fit.

141.  
Notice may  
be given to  
reversioners.

And be it Enacted, That the Commissioners, before authorizing or certifying the expediency of any inclosure or determining any claim or matter, or approving any report or award, or in any other stage of the proceedings on any Inclosure, or of the proceedings for subjecting any gated or stinted pasture to the provisions of this Act, concerning regulated pastures, if they shall see occasion, may require notice to be given in any such manner as they shall direct to the person next in remainder, reversion or expectancy of an estate of inheritance in any Lands, or to any other person to whom they may think notice ought to be given; and may by themselves, or by some Assistant Commissioner, hear and determine any objection which may be made by the person so next in remainder, reversion or expectancy.

142.  
Copies of  
Award to be  
made and  
deposited.

And be it Enacted, That Two copies of every confirmed award shall be made and sealed with the seal of the said Commissioners, and One such copy shall be deposited with the Clerk of the Peace of the county in which the Lands inclosed shall be situate, who is hereby required to deposit and keep the same among the records of the said county, so that recourse may be had thereto by any person interested in the premises, and the other copy shall be deposited with the Church or Chapelwardens for the time being of the parish in which the Lands or the greater part thereof shall be situated, to be kept by them and their successors in office, with the public books, writings and papers of the parish, or shall be deposited with such other fit persons as the Commissioners shall approve; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of *Two Shillings and Sixpence* for such inspection, and after the rate of *Three-pence* for every Seventy-two words contained in such copy or extract; and all such copies of and extracts from any such copy of any confirmed award, as shall be furnished by the Clerk of the Peace, shall be signed by the said Clerk of the Peace or his deputy, purporting the same to be a true

true copy ; and every such copy and extract so signed shall be received in evidence without further proof thereof ; and every recital or statement in such confirmed award, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated.

- 5 And be it Enacted, That it shall be lawful for the Commissioners upon the application in writing of the persons interested, according to the definition hereinbefore contained, in Lands not subject to be inclosed under this Act, or in Lands subject to be inclosed under this Act as to which no proceedings for an Inclosure shall be pending, and  
 10 who shall desire to effect an exchange of Lands in which they respectively shall be so interested, to direct inquiries whether such proposed exchange would be beneficial to the owners of such respective Lands ; and conducive to the more productive cultivation thereof respectively, and in case the Commissioners shall be of opinion that such exchange  
 15 would be beneficial, and conducive to the more productive cultivation of the lands to be exchanged and that the terms of the proposed exchange are just and reasonable, they shall cause to be framed and confirmed, under the hands and seal of the Commissioners, an order of exchange, with a map or plan thereunto annexed, in which order shall be specified  
 20 and shown the Lands given and taken in exchange by each person so interested respectively, and a copy of such order, under the seal of the Commissioners, shall be delivered to each of the parties on whose application the exchange shall have been made ; and such order of exchange shall be good, valid and effectual in the law to all intents  
 25 and purposes whatsoever, and shall be in nowise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made ; and the Land taken upon every such exchange shall be and enure to, for and upon the same uses, trusts, intents and purposes, and subject to the  
 30 same conditions, charges and incumbrances, as the Lands given on such exchange would have stood limited or been subject to in case such order had not been made ; and all expenses with reference to such order and exchange, or the inquiries in relation thereto, or to any proposed exchange, shall be borne by the persons on whose application  
 35 such order shall have been made, or such inquiries undertaken : Provided always, That no exchange shall be made of any land held in right of any church or chapel, or other ecclesiastical benefice, without the consent, testified in writing, of the Bishop of the diocese in which such land shall be situate.

143.  
Exchanges  
may be made  
of Land not  
subject to  
be inclosed,

- 40 And be it Enacted, That it shall be lawful for the Commissioners upon the application in writing of any number of persons who shall be separately interested in parcels of Land not subject to be inclosed under this Act, or of Land subject to be inclosed under this Act as to which no proceedings for an Inclosure shall be pending, so intermixed or divided into parcels of inconvenient form or quantity that  
 275. I the

144.  
Division of  
intermixed  
Lands.

the same cannot be cultivated or occupied to the best advantage, but forming together a tract which may be divided into convenient parcels, and who shall desire to have the whole of such tract divided into convenient parcels to be allotted in lieu of the old parcels, to direct an inquiry whether such proposed division and allotment would be beneficial to the owners of such Lands, and conducive to the more productive cultivation thereof; and in case the Commissioners shall be of opinion that the proposed division and allotment would be beneficial, and conducive to the more productive cultivation thereof, they shall cause to be framed an order for the division or allotment thereof accordingly, with a map or plan thereunto annexed, in which shall be specified as well the parcels which the several persons, on whose application such order shall have been made, were respectively interested in before such division and allotment, as the several parcels allotted to them respectively by such order, and such order shall be confirmed under the hands and seal of the Commissioners; and a copy of such order, sealed with the seal of the Commissioners, shall be delivered to each of the parties on whose application the division and allotment shall have been made, and such order of division shall be good in the law to all intents and purposes whatsoever, and shall in no wise be liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the parcels of Land taken by the persons interested under such division shall be and enure to, for and upon the same uses, trusts, intents and purposes, and subject to the same conditions, charges and incumbrances, as the several Lands which the persons taking the same shall have relinquished or lost on such division would have stood limited to, for or upon, or been subject to in case such order had not been made; and all expenses with reference to any such order, division and allotment, or the inquiries in relation thereto, or to any proposed division or allotment, shall be borne by the persons on whose application such order shall have been made or such inquiries undertaken.

145.  
Inconvenient  
allotments for  
the poor and  
public pur-  
poses may be  
exchanged for  
land more  
convenient.

And be it Enacted, That where, under the powers of any Inclosure Act, any allotment shall have been made in trust for the poor inhabitants of any parish, or of any class of such poor inhabitants, or in trust to be leased, used or enjoyed, to or by or upon any other trusts, for the benefit of such poor inhabitants, or for the purposes of exercise and recreation, or for any other public or parochial purpose, and it shall appear to the Commissioners that such allotment, by reason of its distance from the dwellings of such poor inhabitants, or from the nature or quality of the soil or otherwise, shall not be convenient or suitable for the purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the application, in writing, of the churchwardens and overseers of the poor of the parish in which such

such allotment shall be situate, and of the person interested in land more convenient or suitable for the purposes for which such allotment shall have been made, and who may be willing to give such land in exchange for such allotment, in case the Commissioners shall be of  
 5 opinion that such exchange would be beneficial to the poor inhabitants or other persons for whose benefit, or more suitable to the purposes for which, such allotment was made, to cause to be framed and to confirm an order of exchange of such allotment for such other land as aforesaid ; and the provisions herein contained concerning exchanges  
 10 shall apply to such allotment as if such churchwardens and overseers were the persons interested in such allotment.

And be it Enacted, That if any difference shall arise touching the said expenses in relation to any exchange, division, allotment, orders or inquiries as aforesaid, or the share thereof to be paid by any per-  
 15 son, it shall be lawful for the Commissioners to certify under their hands and seal the amount to be paid by such person ; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any *Two* Justices of the Peace for the county or other jurisdiction wherein  
 20 the Land shall be situate, such Justices upon the non-payment thereof are hereby required by warrant under their hands and seals to cause the same to be levied by distress.

146.  
 Expenses of  
 Exchanges  
 and Divisions.

And be it Enacted, That where any award already made and executed, or hereafter to be made and executed in pursuance of any local Act  
 25 of Inclosure, or in pursuance of an Act passed in the seventh year of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales," shall not have duly distinguished the several tenures of all the Lands thereby awarded or allotted, or of any other  
 30 Lands of which the tenure ought to have been distinguished in or by such award, or the different estates or titles for or under which any Lands therein mentioned should be held, or shall not have duly distinguished the Lands which, after such award, should remain subject to all or any tithes, and the Lands which should be discharged from all  
 35 or any tithes, or where by any such award an aggregate allotment shall have been set out and awarded in any case in which several and distinct allotments ought to have been set out and awarded, in every such case, and in every other case in which it shall appear to the Commissioners that injustice or inconvenience shall have arisen from  
 40 inaccuracy, confusion or omission in any such award, it shall be lawful for the Commissioners, upon the application in writing of any person interested in the Lands to which such award may relate, or of any person prejudiced by the inaccuracy, confusion or omission in such award, to make such inquiries and take such evidence by them-

147.  
 Commis-  
 sioners may  
 remedy defects  
 and omissions  
 of awards  
 under Local  
 Acts of Inclo-  
 sure, or under  
 6 & 7 Will. 4,  
 c. 115.

selves or by an Assistant Commissioner, as they shall think fit, and by an order under their hands and seal, to amend such award, and to distinguish the several tenures of the Lands thereby allotted and awarded, and the different estates or titles for or under which the same should be held, and to distinguish the Lands which should be discharged from all or any tithes, and the Lands which should remain subject to all or any tithes, and to subdivide aggregate allotments into separate allotments, and to distinguish the tenures or titles thereof, or the Lands or rights in respect of which they were respectively made, and generally to make or give such declarations or directions as may appear necessary to supply any omission and rectify any inaccuracy or confusion in such award ; and such order of the Commissioners shall have the same force and effect as if the allotments, directions and declarations therein contained had been duly made and contained in the original award in addition, or as the case may require, in substitution for the parts thereof to which such amendments may relate, and all expenses with reference to such order as last aforesaid, and of all inquiries in relation thereto, or to any proposed amendment of any such award, shall be borne by the persons on whose application such order shall be made or such inquiries undertaken.

148.  
Com-  
mis-  
sioners may  
revive powers  
under local  
Inclosure Acts  
lost by lapse  
of time or  
otherwise.

And be it Enacted, That where under any Local Act of Inclosure, the powers and authorities originally vested in the Commissioner or Commissioners acting under any such Local Act, or any such power or authority shall not have been fully executed, according to the intent of such Local Act, and shall have been lost or become incapable of being executed by reason of the neglect or omission to execute the same, or to take some proceeding necessary to the due execution thereof within the time limited in that behalf by such Local Act, or from any other cause whatsoever, it shall be lawful for the Inclosure Commissioners for England and Wales, by any order under their hands and seal, to authorize the Commissioner or Commissioners appointed by or acting under the authority of such Local Act, to execute and to carry into effect the powers and authorities originally vested in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such Local Act, in the same manner as if such powers and authorities had not been lost or become incapable of being executed, or as near thereto as lapse of time and other circumstances may permit, and subject to such conditions and restrictions as the justice of the case may appear to require, and in and by such order to direct any act or proceeding to be done or taken in substitution for any act or proceeding which shall have been required or directed by such Local Act, and which shall have become incapable of being done or taken, by lapse of time or other circumstances ; and all proceedings, adjudications, orders, directions and acts taken, made and done by the Commissioner or Commissioners under any Local Act in pursuance of any such order as aforesaid of the Inclosure Commissioners

Commissioners for England and Wales, shall have the same force and effect as if the same had been duly authorized by such Local Act; and the expenses of such order, and of the inquiries in relation thereto, shall be paid by the Commissioner or Commissioners acting under such Local Act, and shall be deemed expenses under the Inclosure by  
 5 such Local Act authorized.

And be it Enacted, That where the powers and authorities of any Local Act of Inclosure shall not have been fully executed and performed, whether the same shall or shall not have been lost or have  
 10 become incapable of being executed from lapse of time or otherwise, and there shall be no Commissioner acting under such Local Inclosure Act, or in case from any other cause any of the persons interested in the Land to which such Local Act shall relate, shall be desirous that the powers and authorities of such Act should be executed, and the  
 15 proceedings thereunder completed under the direction of the Inclosure Commissioners for England and Wales, it shall be lawful for the said Commissioners, by order under their hands and seal, upon the application in writing of the major part in value of the persons interested in the Lands subject to be inclosed under such Local Act, to appoint  
 20 any person to execute the powers or authorities of such Local Act, in the place of the Commissioner or Commissioners by such Act appointed or authorized to be appointed, and to complete the proceedings under the same ; and it shall be lawful for the said Inclosure Commissioners for England and Wales, by such order as aforesaid, or  
 25 by any supplemental or other order, to authorize the person so appointed to execute and to carry into effect any powers or authorities originally vested in any Commissioner or Commissioners under such Local Act, and which may have been lost or become incapable of being executed, and to give such other directions in relation thereto as under the  
 30 provision hereinbefore contained might have been given to the Commissioner or Commissioners appointed by or acting under a Local Act; and the person so appointed by the Commissioners shall and may complete the proceedings under such Local Act, and make an award therein, and shall have such and the like powers and authorities in all respects  
 35 as the Commissioner or Commissioners originally appointed by or acting under such Local Act would have had, if he or they had continued to act ; and it shall be lawful for the Inclosure Commissioners for England and Wales, by order under their hands and seal, to remove any person so appointed, and upon such removal, or in case any person  
 40 so appointed shall die or desire to be discharged from his office, before the proceedings in such Inclosure shall be completed, from time to time to appoint any other person in his stead, with all such powers and authorities as aforesaid ; and the expenses of such orders of the Commissioners, and of all proceedings in relation thereto, shall be expenses in the Inclosure, and raised in the same manner as other expenses may by such Local Act be authorized to be raised.

149.  
 Commissioners may appoint person to complete proceedings in an imperfect Inclosure.

150.  
Commissioners may confirm awards or agreements made under supposed authority of 6 & 7 Will. 4, c. 115.

And be it Enacted, That where, by any award or agreement expressed to be made under the authority of the said Act of the seventh year of King WILLIAM the Fourth, intituled, "An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales," any moors, commons or waste Lands or other Lands not subject to be inclosed under the provisions of such last-mentioned Act shall have been inclosed or apportioned and allotted, and the Lands so inclosed or apportioned and allotted shall be within the definition of Lands subject to be inclosed under this Act, it shall be lawful for the Commissioners, upon the application of any person interested in any Land so inclosed or apportioned and allotted, to make such inquiries in relation to such award or agreement as the Commissioners shall think fit, and if it shall appear to the Commissioners that the rights and interests of all parties interested in the Lands expressed to be inclosed or apportioned and allotted by such award or agreement, shall have been duly provided for and compensated thereby, or might be duly provided for and compensated thereby, if such award or agreement were confirmed, or amended and confirmed as hereinafter mentioned, it shall be lawful for the Commissioners, by any order under their hands and seal, to confirm such award or agreement, or to amend the same, as the justice of the case and the rights and interests of the parties may appear to the Commissioners to require, and to confirm the same, with the amendments specified in such order, as the Commissioners shall think fit, and every award and agreement so confirmed shall, with the amendments, if any, which shall have been made by such order, have the same force and effect as a final award under the authority of this Act; and all expenses with reference to such order as last aforesaid, and of all inquiries in relation thereto, or to any proposed confirmation of any such award or agreement, shall be borne by the persons on whose application such order shall be made or such inquiries undertaken.

151.  
Penalties and Forfeitures, how recoverable.

And be it Enacted, That all penalties and forfeitures imposed by this Act, or which shall be imposed by the Commissioners or Assistant Commissioner acting in the matter of any Inclosure or other proceeding under or by virtue of the authority of this Act, shall be levied and recovered before any One Justice of the Peace for the county in which the Land subject to be inclosed, or to which such other proceeding shall relate, shall be situate, and not interested in the matter in question, for which purpose it shall be lawful for any such Justice of the Peace upon complaint made to him to summon the party accused, and the witnesses on both sides; and upon the appearance or contempt of the party accused, to examine such witnesses upon oath (which oath any such Justice is hereby empowered to administer), and upon such evidence to give judgment accordingly, and to condemn the party accused (proof of the accusation being made by One or more witness or witnesses as aforesaid)

in

in such penalties and forfeitures as the offenders shall have incurred, and to levy such penalties and forfeitures by distress, together with reasonable costs; all which penalties and forfeitures, the application whereof is not particularly directed by this Act, shall and so soon as  
 5 the same shall be levied, be paid and applied to and for such uses, intents or purposes as the Commissioners in and by any writing under their hands and seal shall order, direct or appoint.

And be it Enacted, That when in this Act any sum of money, whether in the nature of penalty or otherwise, shall be directed to be  
 10 levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the surplus monies arising from such sale, after satisfying such sum of money, and the costs and expenses attending the distress and sale, shall, on demand, be rendered to the party whose goods and chattels  
 15 shall have been distrained.

152.  
Distress, how  
to be made.

And be it Enacted, That no distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the warrant of distress or other proceeding relating thereto, nor shall  
 20 such party be deemed a trespasser, ab initio, on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

153.  
Distress not  
unlawful for  
informality.

And be it Enacted, That all notices by this Act directed to be given  
 25 by advertisement shall be given by an advertisement to be inserted in some newspaper or newspapers printed or usually circulated in the county in which the Land subject to be inclosed, or other Land to which such notice shall relate shall be situate, and all notices directed to be given on the church-door shall be by writing, under the hand of  
 30 the party giving such notice, to be affixed on the principal outer door of the church of the parish, or if there shall be no church, then in some conspicuous place in the parish in which the Land subject to be inclosed or other land to which such notice shall relate or some part thereof shall be situate, on Sunday before divine service; and all notices  
 35 necessary to be given by the Commissioners or any Assistant Commissioner or valuer acting in the matter of any Inclosure (the mode of giving which is not hereby particularly directed) shall be by either or both of the methods aforesaid as the Commissioners or Assistant Commissioner or valuer respectively shall think fit; and all notices  
 40 so given shall be deemed sufficient notices to all persons concerning all matters and things to which such respective notices shall relate.

154.  
Notices, how  
given.

And be it Enacted, That no advertisement inserted by direction of the Commissioners or any Assistant Commissioner acting in the  
 275. matter

155.  
Advertisements and  
Awards free  
of duty.

matter of any Inclosure, in the London Gazette or in any newspaper for the purpose of carrying into effect any provision of this Act, and no agreement, award, bond or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

156.  
Persons  
giving false  
evidence, &c.,  
to be guilty of  
a Misdemeanor.

And be it Enacted, That if any person under the provisions of this Act shall wilfully give false evidence, or shall make or subscribe a false declaration for the purposes of this Act, or shall wilfully refuse to attend, in obedience to any lawful summons of the Commissioners or an Assistant Commissioner or Valuer, or to give evidence, or shall wilfully alter, withhold, destroy or refuse to produce any book, court-roll or writing, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the Commissioners or Assistant Commissioner or Valuer, he shall be deemed guilty of a *Misdemeanor*.

157.  
Limitation of  
actions.

And be it Enacted, That no action or suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, or other person, for any thing done under the authority of this Act, until *Twenty-one Days'* notice thereof shall have been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after *Three* calendar Months shall have expired from the commission of the act for which such action or suit shall be so brought ; and every such action shall be brought, laid and tried in the county or place where the cause of action shall have arisen, and not in any other county or place ; and if it shall appear that such notice of action or suit was brought before *Twenty-one Days'* notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the Jury shall find a verdict for the defendant therein ; or the Court, upon summary application by motion in any such suit, may dismiss the same against such defendant ; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit or suffer a discontinuance of such action, or if upon any demurrer in such action or suit, judgment shall be given for the defendant therein, then such defendant shall have costs, charges and expenses as between attorney and client.

158.  
Proceedings  
not to be  
removed by  
certiorari.

And be it Enacted, That no order, adjudication or proceeding made or had by or before the Commissioners or any Assistant Commissioner

missioner under the authority of this Act, except as hereinbefore provided, or any proceeding to be had, touching any offender against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process, into any of Her Majesty's  
 5 Courts of Record at Westminster or elsewhere.

And be it Enacted, That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person," shall mean and include the Queen's Majesty, and any body corporate, aggregate or sole, as well  
 10 as an individual; any word importing the singular number only, shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; any word importing the masculine gender only, shall mean and include a female as well as a male; the word  
 15 "Land," shall mean and include all messuages, lands and corporeal tenements and hereditaments; the word "county" shall include any riding or other like division of a county, and any liberty, city or place having a separate commission of the peace; the word "parish" shall include any township or vill, or extra-parochial district or place; the  
 20 word "church" shall mean and include any chapel where there is no church; the word "school-house" shall mean any parochial or charitable school-house; the words "the Commissioners" shall mean the Inclosure Commissioners for England and Wales; and the words "Assistant Commissioner" shall mean the Assistant Commissioner  
 25 appointed by the Inclosure Commissioners.

159.  
Interpreta-  
tion Clause.

And be it Enacted, That this Act shall extend only to England and Wales.

160.  
Act to extend  
only to  
England and  
Wales.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session.

161.  
May be  
amended  
in present  
Session.

## THE SCHEDULE

TO WHICH THIS ACT REFERS.

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FORM of CONVEYANCE by Commissioners [in the matter of  
the Inclosure.]

WE, the Inclosure  
Commissioners for England and Wales, by virtue of an Act of Par-  
liament passed in the year of the reign of Queen  
VICTORIA, intituled [here insert the title of this Act], and in  
consideration of the sum of paid into  
our hands by being the purchase-money  
of the hereditaments hereinafter described, do by these presents  
convey unto his heirs and assigns, all that  
[here describe the premises], with the appurtenances; to hold the  
same unto the said his heirs and assigns  
[here state the uses, trusts or purposes of the conveyance, as the case  
may require.] In witness whereof we have hereunto affixed our seal  
this day of

---

### FORM of SUMMONS.

To of in the County  
of Field Reeve of

To wit. } I, Esquire, one of Her Majesty's  
Justices of the Peace in and for the said County of  
do hereby summon you personally to be and appear before  
such Two of Her Majesty's Justices of the Peace as shall be present at  
in the said County, on the day of  
next, at the hour of in the noon  
of the same day, to answer the complaint of A. B., that [he is refused  
reasonable compensation for diminution of his right of pasture in the  
regulated pasture in ], or [that the said A. B.  
is charged with an excessive payment for increase of his right of pasture  
in the regulated pasture of ], otherwise the  
complaint will be proceeded with as if you had appeared. Given  
under my hand and seal this day of  
in the year

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FORM

### FORM of ORDER.

To wit. } The Order of \_\_\_\_\_ and  
Esquires, Two of Her Majesty's Justices of the Peace in  
and for the said County, made at \_\_\_\_\_  
in the said County of \_\_\_\_\_ the  
day of \_\_\_\_\_ in the year \_\_\_\_\_

WHEREAS complaint hath been made to us by A. B.  
for that he [state the complaint as in the summons]. We do declare,  
that [the yearly sum of \_\_\_\_\_ is a reasonable  
compensation for the diminution of the right of pasture of the said  
A. B.] or [the yearly sum of \_\_\_\_\_ is a reasonable  
payment for increase of the right of pasture of the said A. B.] And  
do order that such yearly sum be paid according to the directions of  
the statute in that behalf. Given under our hands and seals this  
\_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

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***Commons Inclosure.***

---

A

**B I L L**

To facilitate the Inclosure and Improvement of Commons and Lands held in common; the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of General and Local Inclosure Acts, and to provide for the Revival of such Powers in certain cases.

*(Prepared and brought in by  
The Earl of Lincoln and Lord Granville  
Somerset.)*

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*Ordered, by The House of Commons, to be Printed,  
5 May 1845.*

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**[Price 10d.]**

275.

*Under 12 oz.*

## COMMONS INCLOSURE BILL.

[AS AMENDED BY THE COMMITTEE, AND ON REPORT.]

### ARRANGEMENT AND LIST OF CLAUSES.

The CLAUSES from 1 to 10 inclusive relate to the constitution of the Commission, the provisions for Annual and Special Reports, and its general powers.

1. Appointment of Commissioners.
2. Chairman of Commissioners. Style of Commissioners. To have a common seal.
3. Commissioners to make annual Reports.
4. Power to appoint and remove Assistant Commissioners, &c.
5. Appointments under this Act limited to Five Years.
6. Salaries and Allowances.
7. Allowances and Salaries to be paid out of the Consolidated Fund.
8. Commissioners and Assistant Commissioners to make a Declaration.
9. Documents of the Tithe Commission may be used. Power to summon Witnesses.
10. Commissioners may delegate powers to Assistant Commissioners.

CLAUSES 11 to 14.—The descriptions of Land subject to Inclosure under the Act, and those wholly exempted from its operation, and those in relation to which the special authority of Parliament will be required.

11. Descriptions of Land subject to be inclosed under this Act.
12. Wastes of Manors and Lands subject to indefinite common rights at all times, not to be inclosed without previous direction of Parliament.
13. Land within certain distances of large towns not to be inclosed without the previous direction of Parliament.
14. Village Greens not to be inclosed, but provision may be made for preserving the surface and fixing boundaries.

CLAUSES 15 to 23.—Show the persons whose consents and dissents are to be regarded in all proposed Inclosures, and the manner in which their proportional interests are to be estimated for the purposes of consents, dissents and applications.

15. Persons interested in Lands for purposes of applications, &c.
16. Where the Crown is interested, who shall be substituted.
17. Where the Duke of Cornwall is interested, who shall be substituted.
18. Provision for persons jointly interested.
19. In case of disability, Commissioners to name substitutes.
20. Attornies may be appointed by persons interested.
21. Proportional Interests, how estimated.
22. Power to equalize Assessments for estimating proportional value.
23. Proportional Interests of Lords of Manors.

CLAUSES 24 to 31.—Form of Application to the Commissioners; their proceedings upon Applications; the conditions which may be prescribed by them, and the consents to be required.

24. Commissioners to frame Forms of Applications, &c.
25. Upon application to the Commissioners, an Assistant Commissioner to inquire into expediency of proposed Inclosure.
26. Assistant Commissioner to report on application.
27. Commissioners to embody the conditions of proposed Inclosure in a provisional order, and to take consents of parties interested.
28. Separate applications for separate Tracts.
29. Consent of the Lord of the Manor.
30. Allotments for exercise and recreation may be required as conditions of Inclosures.
31. Allotments for labouring poor may be required as conditions of Inclosures.

**CLAUSE 32**—Provides that the Acts founded on the Commissioners' Reports shall not be considered private Acts.

32. Acts for the Inclosure of Lands in pursuance of the Reports of the Commissioners to be deemed Public General Acts.

**CLAUSES 33 to 37**—Relate to the appointment of the Valuer by whom the details of the Inclosure are to be settled, and to the instructions which the Owners, or on their default the Commissioners, may give him for his guidance.

33. Meeting for appointing Valuer.  
34. Instructions to Valuer.  
35. Valuer may be assisted by an Assistant Commissioner.  
36. A Surveyor may be appointed where the parties interested think fit.  
37. Form of Declaration by Valuer.

**CLAUSES 38 to 44**—Relate to the Settlement of Boundaries.

38. Power to set out Boundaries of Parishes. Appeal on questions of Boundary.  
39. Non-attendance of Jurymen.  
40. Juries to be subject to regulations concerning Juries returned to try issues in Courts of Record at Westminster.  
41. Costs of Appeal.  
42. Security for Costs to be taken by the Commissioners.  
43. Persons dissatisfied with determination of Commissioners, may appeal to Court of Queen's Bench.  
44. Power to straighten Boundaries.

**CLAUSES 45 to 53**.—The proceedings of the Valuer in adjudicating on Claims.

45. Valuer to hold Meetings.  
46. Claims to be delivered in writing.  
47. Statement of Claims to be deposited for examination. Claims to be heard and determined by Valuer, subject to appeal to the Commissioners.  
48. Titles not to be determined by Valuers, Commissioners or Assistant Commissioners.  
49. Provisions for Encroachments within 20 years.  
50. School-houses, &c. not to be deemed encroachments.  
51. Encroachments of 20 years' standing to be deemed ancient Inclosures.  
52. Rights in respect of Tofts to be allowed.  
53. Rights not sustainable at law to be allowed upon proof of 60 years' usage.

**CLAUSES 54 to 59**—Provision for revision of the Proceedings of the Valuer, and Appeals by unsatisfied claimants.

54. Schedule of Claims allowed by Valuer to be made and deposited. Claims may be reheard by Commissioners or an Assistant Commissioner.  
55. Appeal against the determination of the Commissioners.  
56. Determination of Commissioners not appealed against conclusive.  
57. Actions not to abate.  
58. Commissioners may award Costs.  
59. Differences may be submitted to Arbitration.

**CLAUSES 60 to 70**.—Provisions for making Drains, public and private Roads, and other matters for the general improvement of the Land to be inclosed previously to the actual setting out of Allotments.

60. Power to Valuer to make Watercourses, &c.  
61. Power to alter Roads and Ways.  
62. Appeal to Quarter Sessions.  
63. Trial of Appeal.  
64. Roads to be fenced.  
65. Expenses of making and altering Roads.  
66. Roads to be repaired by the Parish after certificate by Valuer.  
67. Private Roads.  
68. Rights of Common may be suspended.  
69. Course of husbandry may be directed.  
70. Compensation for growing crops.

**CLAUSES**

**CLAUSES 71 to 74.**—Directions for Allotments, for repair of Roads, for Exercise, and for other public purposes, and for the Labouring Poor.

- 71. Allotment for repair of Roads.
- 72. Allotment for public purposes.
- 73. Provision for awarding Allotment for exercise, &c. to individuals, subject to the obligation of permitting it to be used.
- 74. Allotments for the labouring poor may be made, subject to a Corn rent-charge, to vary and be recoverable as a Tithe rent charge.

**CLAUSES 75 to 85.**—Allotments to the Lord of the Manor and to the Commoners, with provision for the allotment of old Inclosures with consent.

- 75. Allotment to the Lord.
- 76. Allotment of residue.
- 77. The Rent-charges payable out of Allotments for the Labouring Poor to be allotted to persons entitled under the Inclosure.
- 78. Separate Allotments to be made in respect of separate Titles.
- 79. Several Allotments may by consent be laid together.
- 80. Cultivated Land and Buildings to be allotted to the Proprietor.
- 81. Regard to be had to the situation of Homesteads.
- 82. Allotments to be fenced.
- 83. Allotments may be made to Purchasers.
- 84. Allotments to be made to Representatives of party dying.
- 85. Old Inclosures may be allotted with consent.

**CLAUSES 86 to 88.**—Special provision for the case of Freemen and others entitled, not individually but as classes.

- 86. Allotments to Freemen and other classes of persons entitled to common rights.
- 87. Power to sell such Allotments.
- 88. Meeting of persons entitled for giving instructions to Valuer.

**CLAUSES 89 to 91.**—Powers of Partition and Exchange in the Inclosure.

- 89. Partitions may be made.
- 90. Costs of Partition.
- 91. Exchanges.

**CLAUSES 92 to 94.**—Provide that the Allotment shall follow the Title of the Right for which it is made, except where Rack-rent Leases are avoided.

- 92. Wills and Settlements not to be affected.
- 93. Tenure of the Allotments.
- 94. Lease at Rack-rent may be avoided.

**CLAUSES 95 to 97.**—Savings for Seignories and Mineral Rights where not expressly compensated.

- 95. Seignories not affected, except with consent.
- 96. Minerals under regulated Pastures may be reserved, while minerals under Lands to be held in severalty are relinquished.
- 97. Right to Minerals under Land inclosed existing distinct from the Property in the surface, and not compensated upon Inclosure, not affected.

**CLAUSES 98, 99.**—Trees and protection of Fences.

- 98. Trees to be allotted with the Land.
- 99. Cattle not to be depastured on Roads.

**CLAUSES 100 to 105.**—Provisions for the Report of the Valuer of his Acts and Allotments, and for its revision by the Commissioners, and for the execution and approval by the Commissioners of the Award, and for its finality.

- 100. Alteration may be made in Allotments.
- 101. Report of the Valuer.
- 102. Deposit of Report.
- 103. Award.
- 104. Award conclusive.
- 105. Allotments to be in Compensation of previous Rights.

**CLAUSES 106 to 110.**—Provisions for the management of the Allotments awarded for the Labouring Poor.

- 106. Allotment Wardens.
- 107. Allotments how to be let.
- 108. Recovery of Gardens on non-payment of Rent.
- 109. Possession how to be recovered from Tenant holding over.
- 110. Rents of Allotment how to be applied.

**CLAUSE 111.**—A provision for remedying, within a limited time, certain errors in the Award.

- 111. Allotments may be subdivided by Supplemental Order.

**CLAUSES 112 to 121.**—Provisions for the regulation and enjoyment of common or stinted Pastures not divided or allotted in severalty.

- 112. Regulated Pastures may be set out.
- 113. Conversion into regulated Pasture to be deemed an Inclosure.
- 114. Rule of Rating to be established.
- 115. Property of the Soil of regulated Pastures.
- 116. Election of Field Reeves.
- 117. Duties of Field Reeves.
- 118. Provision for rateable increase or diminution of Rights.
- 119. Expenses to be raised by Rate.
- 120. Power to apply the Act to Pastures already stinted.
- 121. Expenses of application of Act to Pastures already stinted.

**CLAUSES 122 to 141.**—Power to make Surveys to raise Expenses and other special powers.

- 122. Power to enter Land for Surveys, &c.
- 123. Expenses of Inclosures.
- 124. Remedies in case of nonpayment of Expenses.
- 125. Power to make additional Rate.
- 126. Commissioners may remove Valuers.

**CLAUSE No. 1.** Valuer not to purchase Lands in the parish for Seven Years after the Award.

- 127. Repayment to Consolidated Fund.
- 128. Persons attending meetings to pay their own Expenses.
- 129. Expenses of Witnesses.
- 130. Power to mortgage Allotments.
- 131. Power to sell parts of Allotments.
- 132. Sales of parts of Allotments how to be made.
- 133. Commissioners to receive and apply Purchase Money.
- 134. Application of Compensation Money of parties under disabilities.
- 135. Investment of surplus when 200 *l.* or upwards.
- 136. Payment of Dividends in the meanwhile.
- 137. Application of money under 200 *l.*
- 138. Under 20 *l.*
- 139. Sale of Land by Valuer for Expenses.
- 140. Conveyances to be made by Commissioners.
- 141. Application of Purchase Monies.

**CLAUSE 142.**—Power, under certain restrictions, to cause the Land to be sold instead of being allotted.

- 142. Power to sell instead of allotting Land.

**CLAUSE 143.**—Provision for Special Notice to Reversioners and others (whose consent is not in every case required) where the Commissioners see occasion.

- 143. Notice may be given to Reversioners.

**CLAUSE 144.**—The custody of the Award copies how to be furnished.

- 144. Copies of Award to be made and deposited.

**CLAUSES**

**CLAUSES 145 to 149.**—Provide for Exchanges and Divisions of intermixed Land in cases where an Inclosure is not in progress.

- 145. Exchanges may be made of Land not subject to be inclosed.
- 146. Division of intermixed Lands.
- 147. inconvenient Allotments for the Poor and public purposes may be exchanged for Land more convenient.
- 148. Notices of Exchanges and Divisions to be given.
- 149. Expenses of Exchanges and Divisions.

**CLAUSES 150 to 154.**—Remedies for defective Awards and completion of Inclosures left unfinished under former Act.

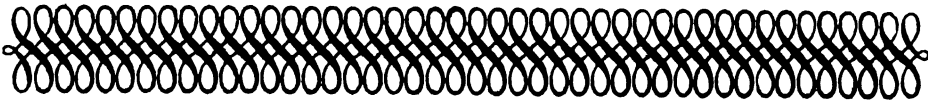
- 150. Commissioners may remedy defects and omissions of Awards under local Acts of Inclosure, or under 6 & 7 Will. 4, c. 115.
- 151. Commissioners may revive powers under Local Inclosure Acts lost by lapse of time or otherwise.
- 152. Commissioners may appoint a person to complete proceedings in an imperfect Inclosure.
- 153. Commissioner to give notice before proceeding to assess Awards under local Act.
- 154. Commissioners may confirm Awards or Agreements made under supposed authority of 6 & 7 Will. 4, c. 115.

**CLAUSE No. 2.**—Power to reduce the number of Trustees under local Act where a sufficient number of persons qualified cannot be found.

**CLAUSES 155 to 165.**—Recovery of Penalties and other usual Clauses.

- 155. Penalties and Forfeitures, how recoverable.
- 156. Distress, how to be made.
- 157. Distress not unlawful for informality.
- 158. Notices, how given.
- 159. Advertisements and Awards free of Duty.
- 160. Persons giving false evidence, &c. guilty of a Misdemeanor.
- 161. Limitation of Actions.
- 162. Proceedings not to be removed by Certiorari.
- 163. Interpretation Clause.
- 164. Act to extend only to England and Wales.
- 165. May be amended in present Session.





A

# B I L L

[AS AMENDED BY THE COMMITTEE, AND ON REPORT]

To facilitate the Inclosure and Improvement of Commons and Lands held in common; the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of General and Local Inclosure Acts, and to provide for the Revival of such Powers in certain cases.

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[N. B.—*The Clauses marked (A.) to (F.) were added by the Committee, and the Clauses No. 1. and No. 2. were added on the Report.*]

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**W**H **HER**EAS it is expedient to facilitate the Inclosure and Improvement of Commons and other Lands now subject to rights of property which obstruct cultivation and the productive employment of labour, and to facilitate such exchanges of Lands and such divisions of Lands intermixed or divided into inconvenient parcels, as may be beneficial to the respective owners, and it is also expedient to provide remedies for the defective or incomplete execution, and for the non-execution of powers created by General and Local Acts of Inclosure, and to authorize the revival of such powers in certain cases; ~~BE~~ **it therefore Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** it shall be lawful for one of Her Majesty's Principal Secretaries of State to appoint any Two fit persons to be Commissioners under this Act, and at pleasure to remove the Commissioners so appointed, or either of them; and upon every vacancy in the office of such Commissioner some other fit person shall be appointed to such office in like manner; and the Commissioners so to be appointed shall, with the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, be the Commissioners for carrying this Act into execution; and during any vacancy in the office of Commissioner under this Act, it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

Preamble.

1.  
Appointment  
of Commis-  
sioners.

2.  
Chairman of  
Commissioners.

Style of Commissioners.

To have a  
Common  
Seal.

And be it Enacted, That the said First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being shall be the Chairman of the Commissioners acting in the execution of this Act; and such Commissioners shall be styled "The Inclosure Commissioners for England and Wales," and shall have their office in London or Westminster, and they or any Two of them may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the Commissioners shall cause to be made a seal of the said Board, and shall cause to be sealed therewith all awards and orders made or confirmed by the Commissioners in pursuance of this Act; and all such awards and orders and other instruments proceeding from the said Board, or copies thereof purporting to be sealed with the seal of the said Board, shall be received in evidence without any further proof thereof; and no award or order of the Commissioners under the authority of this Act, shall be of any force unless the same shall be sealed as aforesaid.

3.  
Commissioners to  
make annual  
Reports.

And be it Enacted, That the Commissioners shall from time to time give to any one of Her Majesty's Principal Secretaries of State such information respecting their proceedings as such Principal Secretary of State shall require, and shall, in the month of January in every year, send to one of the Principal Secretaries of State a general report of their proceedings, specifying the applications which may have been made to them under the provisions of this Act, and the several cases in which they shall have authorized Inclosures, and the grounds on which they may have withheld their consent to such application, and also the cases in which they shall be of opinion that proposed Inclosures which may not be made without the direction of Parliament would be expedient, and such report shall separately distinguish all such proposed Inclosures as relate to Lands situate within Fifteen Miles of the city of London, and within such respective distances of other cities or towns as hereinafter mentioned, and shall state in each such case the special grounds on which they shall be of opinion that such Inclosure shall be expedient, and as well in the cases in which they shall have authorized Inclosures as in the other cases aforesaid, such report shall state the extent of the Land authorized and proposed to be inclosed, with such other particulars as hereinafter directed; and such report shall also specify the progress which shall have been made in Inclosures which the Commissioners may have authorized, and in the Inclosures which Parliament may have directed to be proceeded with; and every such report shall be laid before both Houses of Parliament within Six Weeks after the receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting, then within Six Weeks after the next meeting of Parliament; and such Commissioners may

may from time to time send to one of the Principal Secretaries of State such special reports in relation to all or any of the matters aforesaid as they may think fit.

- And be it Enacted, That it shall be lawful for the Commissioners
- 5 from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a Secretary, and such Clerks, Messengers and officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Clerks, Messengers and officers, or any of them ; and on any vacancy in any of the said offices, to
- 10 appoint some other person to the vacant office, and the persons so appointed shall assist in carrying this Act into execution, at such places and in such manner as the Commissioners may direct : Provided always, That no such appointment shall be made by the Commissioners unless the Lord High Treasurer or any Three or more of
- 15 the Commissioners of Her Majesty's Treasury shall in the case of each such appointment consent thereto.

4.  
Power to  
appoint and  
remove As-  
sistant Com-  
missioners,  
&c.

- And be it Enacted, That no Commissioner or Assistant Commissioner, Secretary or other officer, or person so to be appointed, shall hold his office for a longer period than Five Years next after the day
- 20 of the passing of this Act, and thenceforth until the end of the then next Session of Parliament ; and after the expiration of the said period of Five Years and of the then next Session of Parliament, so much of this Act as authorizes any such appointment shall cease.

5.  
Appoint-  
ments under  
this Act  
limited to  
Five Years.

- And be it Enacted, That it shall be lawful for the Lord High Treas-  
25 urer or Commissioners of Her Majesty's Treasury to direct a salary, not exceeding One thousand Five hundred Pounds by the year, to be paid to one of the Commissioners for the time being appointed under this Act, but, except as aforesaid, no salaries shall be paid to the Commissioners in respect of their appointments under this Act, and
- 30 the allowances to the Assistant Commissioners, and the salaries of the Secretary, Clerks, Messengers and other officers to be appointed under this Act, shall be from time to time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three of them : Provided always, That the allowance to an Assis-  
35 tant Commissioner shall not exceed the sum of Three Pounds Three Shillings for every day he shall be actually employed or travelling in the performance of the duties of his office : Provided also, That the said Lord High Treasurer or Commissioners may allow to any Commis-  
40 sioner, Assistant Commissioner, Secretary, Clerk, Messenger or other officer, such reasonable travelling and other expenses as may be incurred by him in the performance of his duties under this Act, in addition to his salary or allowance (if any) respectively.

6.  
Salaries and  
Allowances.

7.  
**CLAUSE (A.)**  
**Allowances**  
**and Salaries**  
**to be paid out**  
**of the Conso-**  
**liated Fund.**

And be it Enacted, That the allowances and salaries of such Commissioner, Assistant Commissioners, Secretary, Clerks, Messengers and officers as aforesaid, and all other incidental expenses of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord Treasurer, or the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

5

8.  
**Commis-**  
**sioners and**  
**Assistant**  
**Commis-**  
**sioners to**  
**make a**  
**Declaration.**

And be it Enacted, That every Commissioner shall, before he shall enter upon the execution of his office, make the following declaration before one of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

10

" I, do solemnly declare that I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute the powers and duties of a Commissioner, under an Act passed in the year of the reign of Queen VICTORIA, intituled, [here set forth the title of this Act] :"

15

And every Assistant Commissioner shall, before he shall enter upon the execution of his office, make the like declaration (substituting the words " Assistant Commissioner" for the word " Commissioner,") before such Judge or Baron, or before any Two Justices of the Peace for the county, riding, division, liberty or jurisdiction wherein such Assistant Commissioner shall be resident at the time of his appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the appointment of every such Commissioner and Assistant Commissioner, with the time when, and the name or names of the Judge, Baron, Justices or Master Extraordinary before whom he shall have made the declaration aforesaid, shall be forthwith published in the London Gazette.

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9.  
**Documents**  
**of the Tithe**  
**Commission-**  
**ers may be**  
**used.**  
**Power to**  
**summon**  
**Witnesses.**

And be it Enacted, That all awards, apportionments, agreements, writings and maps in the custody of the Tithe Commissioners for England and Wales shall be open to the use and inspection of the Inclosure Commissioners for England and Wales, or any person by them authorized, and such copies of or extracts from such awards, apportionments, agreements, writings and maps as the Commissioners shall require, shall be furnished to them for the purposes of this Act; and that the Commissioners or any Assistant Commissioner, may, by summons under the seal of the Commission, or under the hands of such Assistant Commissioner, require the attendance of all such persons as they or he may think fit to examine upon any matter relating to any Inclosure or proposed Inclosure, or other proceeding under the authority of this Act; and also make any inquiries and call for any answer or return as to any such matter; and also administer or receive declarations, and examine all such persons upon declaration,

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declaration, and cause to be produced before them or him, upon declaration, all court-rolls and all rate-books, instruments of tithe apportionment and other public writings, maps, plans and surveys of or belonging to any parish, or copies thereof respectively in anywise  
 5 relating to any such matter ; and the Commissioners may, when they shall think fit, by summons, under the seal of the Commission, require the attendance before any Valuer, acting in the matter of an Inclosure under this Act, of all such persons as the Valuer may certify to the Commissioners as persons whose testimony may be  
 10 necessary for the matter of such Inclosure, and cause to be produced before such Valuer, upon declaration, all such court-rolls, rate-books, public writings, maps, plans and surveys, or copies thereof, as aforesaid, and every Valuer acting in the matter of an Inclosure under this Act may also administer or receive declarations, and examine upon decla-  
 15 ration, all such persons as shall attend before him under such summons of the Commissioners, and all such persons as may voluntarily attend before him as witnesses in such matter : Provided always, That no such person shall be required to attend in obedience to any such summons, unless the reasonable charges of his attendance shall have  
 20 been paid or tendered to him ; and no such person shall be required in any case, in obedience to any such summons, to travel more than Ten Miles from the place of his abode.

And be it Enacted, That the Commissioners may delegate to the Assistant Commissioners, or to any One or more of them, such of  
 25 the powers hereby given to the Commissioners as the Commissioners shall think fit (except the power to confirm awards, or to do any act herein required to be done under the seal of the Commissioners), and the power so delegated shall be exercised under such regulations as the Commissioners shall direct ; and the Commis-  
 30 sioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made ; and all acts done by any such Assistant Commissioner in pursuance of such delegated power shall be obeyed by all persons as if they had proceeded from  
 35 the Commissioners, and the non-observance thereof shall be punishable in like manner.

10.  
 Commis-  
 sioners may  
 delegate  
 powers to  
 Assistant  
 Commis-  
 sioners.

And be it Enacted, That all such Lands as are hereinafter men-  
 tioned ; (that is to say) all Lands subject to any rights of Common  
 whatsoever, and whether such rights may be exercised or enjoyed at  
 40 all times, or may be exercised or enjoyed only during limited times, seasons or periods, or be subject to any suspension or restriction  
 whatsoever in respect of the time of the enjoyment thereof, all gated and stinted Pastures in which the property of the soil or of some  
 part thereof is in the owners of the cattle-gates or other gates or stints, or any of them, and also all gated and stinted Pastures in

11.  
 Descriptions  
 of Land  
 subject to be  
 inclosed  
 under this  
 Act.

which no part of the property of the soil is in the owners of the cattle-gates or other gates or stints, or any of them, all Land held, occupied or used in common, either at all times, or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds or otherwise distinguishable; all Land in which the property or right of or to the vesture or herbage or any part thereof during the whole or any part of the year, or the property or right of or to the wood or underwood growing and to grow thereon, is separated from the property of the soil; and all lot Meadows and other Lands, the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be Land subject to be inclosed under this Act. 5 10

12.  
Wastes of  
Manors and  
Lands subject  
to indefinite  
common  
rights at all  
times not to  
be inclosed  
without pre-  
vious direction  
of Parliament.

Provided always, and be it Enacted, That no Waste Land of any Manor on which the tenants of such manor have rights of common, nor any Land whatsoever subject to rights of common which may be exercised at all times of every year for cattle levant and couchant upon other Land, or to any rights of common which may be exercised at all times of every year, and which shall not be limited by number or stints, shall be inclosed under this Act without the previous authority of Parliament in each particular case, as hereinafter provided; and no Royal Forest, nor any part thereof, shall be deemed Land subject to be inclosed under this Act: Provided also, That neither this Act, nor any thing which may be done under or by virtue thereof, shall authorize to be made, or legalize where made, any embankment, erection or encroachment which may have been for any period whatever or which may hereafter be made without the consent of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland in or upon the shore of any harbour, or the bank of any navigable river, so far as the tide flows up the same, or shall give to or confer upon any person whatsoever any right, title, estate or interest whatsoever in any lands or soil whereon the tide of the sea flows and re-flows. 15 20 25 30

13.  
Land within  
certain dis-  
tances of  
large towns  
not to be  
inclosed  
without the  
previous  
direction of  
Parliament.

Provided also, and be it Enacted, That no Land situate within Fifteen Miles of the city of London or within Two Miles of any city or town of Ten thousand inhabitants, or within Two Miles and a Half of any city or town of Twenty thousand inhabitants, or within Three Miles of any city or town of Thirty thousand inhabitants, or within Three Miles and a Half of any city or town of Seventy thousand inhabitants, or within Four Miles of any city or town of One hundred thousand inhabitants, shall be subject to be inclosed under the provisions of this Act, without the previous authority of Parliament in each particular case, as hereinafter provided, and in all such cases the number of inhabitants shall be ascertained by the then last Parliamentary Census thereof, 35 40

thereof, and that the distance shall be measured in a direct line from the town-hall, if there shall be any town-hall, or if there shall be no town-hall, then from the cathedral or church if there shall be only one church, or if there shall be more churches than one, then from the principal market-place of any such city or town.

And be it Enacted, That no town green or village green shall be subject to be inclosed under this Act, provided that in every case in which an inclosure of Lands in the parish in which such town green or village green may be situate shall be made under the authority of this Act, it shall be lawful for the Commissioners, instead of requiring that other Land be allotted for the purposes of exercise and recreation under the provisions hereinafter contained, to direct that such town green or village green, provided such green be of equal or greater extent, be allotted to the Churchwardens and Overseers of the Poor of such parish, in trust to allow the same to be used for the purposes of exercise and recreation, and the same shall be allotted and awarded accordingly, in like manner and with the like provisions for making or maintaining the fences thereof, and preserving the surface thereof, and draining and levelling the same where occasion shall require as hereinafter directed, concerning the allotments to be made for the purpose of exercise and recreation; and in every case in which such town green or village green shall adjoin Land subject to be inclosed under this Act, and shall not be separated from such Land by fences or known bounds, the Commissioners shall in the provisional order concerning such Inclosure set out a boundary line between such green and the adjoining Land, and shall in their annual general report mention and describe such boundary.

14.  
Village greens not to be inclosed, but provision may be made for preserving the surface and fixing boundaries.

And be it Enacted, That for the purposes of this Act, the persons interested in Land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, shall be deemed to be the persons hereinafter mentioned, and no others; (that is to say) the persons who shall be in the actual possession or enjoyment or receipt of the rents and profits of any such Land or any part thereof, or any Common or common right thereon, or any Manor of which such Land or any part thereof shall be waste, (except any tenant for life or lives or for years holding under a lease or agreement for a lease on which a rent of not less than Two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded Fourteen Years from the commencement thereof, and except any tenant from year to year at will or sufferance,) and that without regard to the real amount of interest of such persons; and in every case in which any such Land, Common or common right or Manor shall have

15.  
Persons interested in Lands for purposes of applications, &c.

been leased or agreed to be leased to any person or persons for life  
 or lives or for years by any lease or agreement for a lease on which  
 a rent of not less than Two-thirds of the clear yearly value of the  
 premises comprised therein shall have been reserved ; and in every case  
 in which any such Land, Common or common right or Manor shall 5  
 be in the possession of a tenant from year to year at will or sufferance,  
 or shall have been leased or agreed to be leased for a term which shall  
 not have exceeded Fourteen Years from the commencement thereof,  
 the person who shall for the time being be entitled to the said Land,  
 Common or common right or Manor in reversion immediately expectant 10  
 on the term created or agreed to be created by such lease or agreement  
 for a lease respectively, or subject to the tenancy from year to year  
 at will or sufferance, shall be deemed for the purposes of this Act to  
 be the person interested as aforesaid in respect of such Land, Common  
 or common right or Manor ; and in every case in which any such 15  
 Land, Common or common right or Manor as aforesaid shall have  
 been leased or agreed to be leased to any person for life or lives or for  
 years by any lease or agreement for a lease, in which a rent less than  
 Two-thirds of the clear yearly value of the premises comprised therein  
 shall have been reserved, and of which the term shall have exceeded 20  
 Fourteen Years from the commencement thereof, the person who shall  
 for the time being be in the actual receipt of the rent reserved upon  
 such lease or agreement for a lease, shall, jointly, with the person who  
 shall be liable to the payment of such rent of such Land, Common or  
 common right or Manor be deemed, for the purposes of this Act, to 25  
 be the person interested in respect of such Land, Common or common  
 right or Manor respectively ; and in every case in which any person  
 shall be in possession or enjoyment or receipt of the rents or profits of  
 any such Land, Common or common right or Manor under any  
 sequestration, extent, elegit or other writ of execution, or as a 30  
 receiver under any order of a Court of Equity, the person who, but for  
 such writ or order, would have been in possession, enjoyment or receipt  
 of the rents and profits shall, jointly with the person in possession,  
 enjoyment or receipt, by virtue of such writ or order, be deemed, for  
 the purposes of this Act, to be the person interested in respect of such 35  
 Land, Common or common right or Manor respectively ; Provided  
 always, That it shall be lawful for the Commissioners, if they shall  
 think fit, in any case, on the application of any tenants or lessees within  
 the exception hereinbefore contained, or other persons not included  
 within the definition hereinbefore contained, of the persons interested 40  
 in Land for the purposes of this Act, but who may appear to the  
 Commissioners to have estates or rights in the land to be inclosed, or  
 otherwise subject or to become subject to the provisions of this Act,  
 which may be prejudiced by any Inclosure or other proceeding  
 hereby authorized in relation to such Land, to admit the persons so  
 applying to vote and act under this Act as persons interested in such  
 land,

land, in such and the same manner as if such persons were tenants in common of the same Land with the persons who but for this provision would exclusively have been deemed interested therein, and in such shares as the Commissioners having reference to the value of such estates or rights shall direct, and such persons respectively may vote accordingly as tenants in common under the provision hereinafter contained.

And be it Enacted, That whenever Her Majesty shall be interested in Land as aforesaid, the First Commissioner of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings for the time being, or in case Her Majesty shall be so interested in right of the Duchy of Lancaster, the Chancellor of the Duchy of Lancaster shall for the purposes of this Act, and to the extent of such respective interest, be substituted for the person interested as aforesaid.

16.  
Where the Crown is interested, who shall be substituted.

And be it Enacted, That whenever the Duke of Cornwall shall be interested in Land as aforesaid, the Lord Warden of the Stannaries shall for the purposes of this Act, and to the extent of such interest, be substituted instead of the person interested as aforesaid.

17.  
Where Duke of Cornwall is interested, who shall be substituted.

And be it Enacted, That whenever an interest in Land, according to the provisions of this Act, shall be vested in several persons as co-trustees or in joint tenancy, such persons shall for the purposes of this Act be considered as jointly interested and entitled to one vote only in respect of their joint interest, but any One or more of such persons may, unless the other or others of them shall dissent therefrom, act or vote under this Act, and the majority in number of any such persons may, notwithstanding any dissent of the minority, act or vote under this Act in the same manner as if all such persons had concurred; and whenever several persons as tenants in coparcenary or in common shall be so interested, each coparcener or tenant in common shall for the purposes of this Act, and to the extent of the value of his respective undivided share, be deemed separately interested and entitled to vote as if he were tenant in severalty.

18.  
Provision for persons jointly interested.

And be it Enacted, That whenever any person interested in Land as aforesaid shall be an infant, lunatic, idiot, feme covert, or under any other legal disability, or beyond the seas, the guardian, trustee, committee of the estate, husband or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such person so interested.

19.  
In case of disability Commissioners to name substitutes.

491.

B

And

20.  
Attornies  
may be ap-  
pointed by  
persons  
interested.

And be it Enacted, That it shall be lawful for any person interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, by a Power of Attorney, given in writing under his hand, to appoint an agent to act for him for the purposes of this Act; and all things which by this Act are directed to be done by or with relation to any such person may be lawfully done by or with relation to the agent so duly authorized of such person; and every such agent shall have full power, in the name and on behalf of his principal, to sign, concur in and execute any application, or act, to signify consent or dissent, and to vote on any question arising out of the execution of this Act; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the Power of Attorney under which the agent shall have acted, or a copy thereof, authenticated by the signature of a witness or witnesses, shall be deposited in the office of the Commissioners; and any such Power of Attorney may be in the form following :

Form of  
Power.

" I, \_\_\_\_\_ of \_\_\_\_\_  
do hereby appoint \_\_\_\_\_ of \_\_\_\_\_  
to be my Attorney for all the purposes of \_\_\_\_\_  
an Act passed in the \_\_\_\_\_ years of Her  
present Majesty, intituled, \_\_\_\_\_ "

21.  
Proportional  
interests,  
how esti-  
mated.

Provided always, and be it Enacted, That the proportional value of the respective interests of the several persons interested in any Land subject to be inclosed under this Act, or otherwise subject or to become subject to the provisions of this Act, shall, so far as relates to the power to sign any application, or to give any notice or consent, or to vote at any meeting under this Act, be estimated as hereinafter mentioned; (that is to say) where their interests shall be in respect of Land or other rateable property, then according to the proportional sums at which such Land or rateable property shall be rated to the relief of the poor; and when their interests shall be in respect of rights of Common enjoyed or claimed in respect of any Land, and not defined by numbers or stints, then according to the proportional sum at which the Land in respect of which they enjoy or claim such rights of Common shall be rated to the relief of the poor; and in case such interests shall be in respect of rights in a gated or stinted pasture, or of other rights defined by numbers or stints, then according to the proportional amount of their respective numbers or stints; but in case such interests shall be in respect of rights of Common in gross not rated to the relief of the poor, and not defined by numbers or stints, or in case, from any other cause, it shall appear to the Commissioners, or to the Assistant Commissioner presiding at any meeting, held for the purposes of this Act, impracticable or inequitable to estimate such proportional value

value in manner aforesaid, it shall be lawful for the Commissioners or such Assistant Commissioner to direct in what manner such proportional value shall be estimated, regard being had to the circumstances of each particular case.

- 5      Provided also, and be it Enacted, That in case the Land subject to be inclosed under this Act, or the Lands or tenements in respect of which rights of Common therein may be claimed shall be situate in more than one parish, and it shall appear to the Commissioners that the assessments to the poor-rate of the respective parishes in which
- 10 such Land is situate are calculated upon different principles, it shall be lawful for the Commissioners, on the application of any persons interested in such Land, to direct that for the purposes of this Act the respective assessments shall be deemed to be increased or decreased in such proportions as the Commissioners shall think fit.

22.  
Power to equalize Assessments for estimating proportional value.

- 15      And be it Enacted, That the proportional value of the interest of the Lord of a Manor, interested as Lord in any Land subject to be inclosed under this Act, or in case there shall be several Lords of a Manor, or Lords of several Manors so interested in any Land subject to be inclosed under this Act, the proportional value of the respective
- 20 interests of such Lords shall, for the purposes aforesaid, be estimated in such manner as the Commissioners may direct.

23.  
Proportional interests of Lords of Manors.

- And be it Enacted, That the Commissioners shall frame and cause to be printed and circulated as they shall see occasion, forms indicating the particulars of the information to be furnished to the Commissioners by persons proposing to inclose Land under the provisions
- 25 of this Act, with reference to the extent and nature of the Land to be inclosed, to the mines, minerals or valuable strata (if any) under the same, to the questions of boundary (if any) concerning such Land or such mines, minerals or strata, to the numbers and occupations of the
- 30 inhabitants of the parish or place, to its vicinity to or distance from any city or town or populous district, to the parties interested in the proposed Inclosure, and the numbers who have assented to or dissented from the application, to the nature of the rights which require the interference of Parliament, to the supposed advantages of the proposed
- 35 Inclosure, to the allotments (if any) proposed to be made for exercise and recreation and for the labouring poor, and to the allotment (if any) agreed on or proposed to be made to the Lord of the Manor, in case the Lord of the Manor shall be entitled to the soil of the Land proposed to be inclosed in respect of his right and interest therein,
- 40 and such other information as in the judgment of the Commissioners may assist them in forming an opinion on such application, and also such other forms as the Commissioners may deem requisite or expedient for facilitating proceedings under this Act.

24.  
Commissioners to frame forms of applications, &c.

25.  
Upon appli-  
cation to the  
Commission-  
ers, an  
Assistant  
Commissioner  
to inquire  
into the ex-  
pediency of  
proposed  
Inclosure.

And be it Enacted, That any persons interested in Land subject to be inclosed, and proposing to inclose the same under this Act, may make application to the Commissioners according to the form as afore-  
said, which may have been circulated by the Commissioners to sanction  
such Inclosure, or to certify in their annual general Report the expedi- 5  
ency of such Inclosure, as the case may require ; and in case the  
Commissioners shall, on the statements contained in such application,  
think that the inclosure of such Land, or of some part thereof, may be  
found to be expedient, they shall refer such application to an Assistant  
Commissioner, who shall inspect the Land proposed to be inclosed, 10  
and inquire into the correctness of the statements in such application,  
and otherwise into the expediency of the proposed Inclosure ; and  
such Assistant Commissioner shall hold a meeting or meetings to hear  
any objections which may be made to the proposed Inclosure, and any  
information or evidence which may be offered in relation thereto, and 15  
may adjourn such meetings respectively, and shall cause notice to be  
given on the church door of the parish in which the Land proposed  
to be inclosed, or the greater part thereof, shall be situate, and also  
a like notice to be given, by advertisement, of the time and place of  
every such meeting Fourteen Days at least before every such meeting 20  
(meetings by adjournment only excepted).

26.  
Assistant  
Commissioner  
to report on  
application.

And be it Enacted, That the Assistant Commissioner to whom  
such application shall be referred, shall report in writing to the Com-  
missioners the result of his inquiries, as to the statements contained  
in the application, and his opinion as to the expediency or in expedi- 25  
ency of the proposed Inclosure, with the reasons for such opinion ;  
and in case he shall think such Inclosure expedient, he may specify  
any terms or conditions which may appear to him to be proper for the  
protection of any public interests, and of any mineral property or pecu-  
liar rights in relation to the Land proposed to be inclosed, and shall 30  
annex to his report a map or sketch of the Land proposed to be inclosed,  
and in case allotments for exercise and recreation or for the labouring  
poor should be made in the proposed Inclosure, such sketch shall show  
the place in which it shall appear to him that such allotments should  
be made. 35

27.  
Commission-  
ers to embody  
the conditions  
of proposed  
Inclosure in a  
provisional  
order, and to  
take consents  
of parties  
interested.

And be it Enacted, That if on the report of the Assistant Commis-  
sioner, or after any further inquiries they shall think necessary in relation  
thereto, the Commissioners shall be of opinion, having regard as well  
to the health, comfort and convenience of the inhabitants of any cities,  
towns, villages or populous places in or near any parish in which the 40  
Land proposed to be inclosed, or any part thereof, shall be situate, as  
to the advantage of the proprietors of the Land to which such applica-  
tion shall relate, that the proposed Inclosure would be expedient, the  
Commissioners, by provisional order under their seal, shall set forth the  
terms and conditions on which they shall be of opinion that the Inclo-  
sure

sure should be made, and especially the quantity and situation of the  
 allotments (if any) which, under the provisions of this Act, should be  
 appropriated for the purposes of exercise and recreation and for the  
 labouring poor, and in case the Lord of the Manor shall be entitled  
 5 to the soil of the Land proposed to be inclosed, shall specify the share  
 or proportion of the residue of the Land which, after provision made  
 for the payment of expenses, in case the expenses shall under the  
 provisions hereinafter contained be so directed to be paid by sale of  
 land, and after deducting the allotments to be made for public purposes,  
 10 should be allotted to the Lord of the Manor in respect of his right  
 and interest in the soil, either exclusively or inclusively of his right or  
 interest in the mines or minerals under such Land, or inclusively or ex-  
 clusively of any right of pasturage which may have been usually  
 enjoyed by such Lord or his tenants, or any other right or interest  
 15 of such Lord in the Land to be inclosed, as the case may appear  
 to the Commissioners to require, or as the parties interested, with  
 the approbation of the Commissioners, may have agreed ; and in case  
 there shall be any mineral property or any rights in relation thereto not  
 vested in the Lord of the Manor, or other rights which shall appear to  
 20 the Commissioners proper to be specially provided for upon such Inclo-  
 sure, or to be excepted from the operation thereof, shall specify the pro-  
 visions or exceptions which should be made in that behalf ; and the  
 Commissioners shall thereupon cause notice to be given of their  
 intention to authorize the proposed Inclosure, or (as the case may be)  
 25 to certify in their annual general Report the expediency of the pro-  
 posed Inclosure, but upon the terms and conditions in such order  
 expressed, and in case the consents required by this Act should be  
 given within the time in such notice specified, or within any enlarged  
 time which the Commissioners may allow for that purpose ; and the  
 30 Commissioners shall cause to be deposited for inspection a copy of  
 such provisional order in or near the parish or place in which the  
 Land proposed to be inclosed, or some part thereof, shall be situate,  
 and may, in case they shall think fit, cause meetings to be holden by  
 an Assistant Commissioner for the purpose of taking consents or dis-  
 35 sents, or of ascertaining the interests of consenting or dissenting par-  
 ties, or give such directions as to the mode of taking and verifying  
 consents as they shall think fit ; and in case it shall appear to the  
 satisfaction of the Commissioners that persons, the aggregate amount  
 of whose interests in the Land proposed to be inclosed shall not be  
 40 less in value than Two-thirds of the whole interest in such Land, and  
 the other persons, if any, whose consents may be necessary under the  
 provisions hereinafter contained shall have consented to such Inclosure  
 upon the terms and conditions in such order expressed, then, if the  
 Land proposed to be inclosed cannot be inclosed under this Act  
 without the previous direction of Parliament, the Commissioners shall  
 in their next annual general report certify their opinion that the pro-

posed Inclosure would be expedient, with such particulars in relation thereto, or to the terms and conditions aforesaid as they shall think necessary; and in case the Land proposed to be inclosed shall be Land to the Inclosure, of which under this Act the previous direction of Parliament is not hereby required, the Commissioners shall cause 5 notice to be given on the church door, and by advertisement, of their intention to proceed with such Inclosure under the provisions herein contained: Provided always, That where the freemen, burgesses or inhabitant householders of any city, borough or town shall be entitled to rights of Common or other interests in the Land proposed to be 10 inclosed, the Commissioners shall not certify the expediency of the proposed Inclosure, or proceed further under this Act, unless it shall appear to the Commissioners that Two-thirds in number of such of the freemen and burgesses so entitled as may be resident in such city, borough or town, or within Seven Miles thereof, or of such inhabitant 15 householders, as the case may be, shall have consented to such Inclosure on the terms and conditions in their provisional order specified; and in case Two-thirds in number of such resident freemen and burgesses, or of such inhabitant householders, shall have so consented, such consent shall be deemed the consent of the class of 20 freemen, burgesses or inhabitant householders, as the case may be, so entitled.

28.  
Separate applications for separate Tracts.

And be it Enacted, That when it shall appear to the Commissioners that Land proposed to be inclosed under this Act shall be in part a tract of open and common Arable, Meadow or 25 Pasture Lands or Fields, and in part a tract of Common or Waste Lands, subject to rights of Common, or shall otherwise consist of separate and distinct tracts subject to separate and distinct rights or classes of rights; and the persons interested in one of such tracts shall not be all interested in the other of them, it shall be lawful 30 for the Commissioners to ascertain whether persons interested in each of such tracts whose interest shall not be less than Two-thirds in value of the whole interest therein, shall consent to the proposed Inclosure on the terms and conditions in their provisional order specified, and in case it shall thereupon appear that such proportion in value of the persons interested in any such tract as afore- 35 said shall not have consented, the said Commissioners shall not proceed further under this Act in respect of such tract, or certify in their annual general Report the expediency of the inclosure thereof, unless or until persons interested therein whose interest shall not be 40 less than Two-thirds shall have consented thereto.

29.  
Consent of the Lord of the Manor.

Provided always, and be it Enacted, That when the Land to which such application shall relate shall be the Waste of any Manor or Land within any Manor to the soil of which the Lord of such Manor shall be entitled in right of his Manor, then unless there shall be some action;

action, suit or controversy as to the title of such Manor, or the title of the Lord of such Manor to such Waste or Land, or there shall be conflicting claims to such Waste or Land, or there shall be more than one person interested in such Manor, according to the definition of this Act, the Commissioners shall not proceed to an Inclosure on such application, or certify in their annual general Report the expediency thereof, unless the person interested in the Land subject to be inclosed as aforesaid in right of such Manor, or his substitute under this Act, shall consent to such Inclosure; and where there shall be more than one person interested in such Manor, the Commissioners shall not proceed to an Inclosure, or certify as aforesaid the expediency thereof, in case such persons, or the majority of such persons in respect of interest, shall signify their dissent within the time limited by the Commissioners.

And be it Enacted, That in the provisional order of the Commissioners concerning the Inclosure under the provisions of this Act of any Waste Land of any Manor on which the tenants of such Manor have rights of Common, or of any other Land subject to rights of Common which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised at all times of the year and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require, and in their provisional order to specify as one of the terms and conditions of such Inclosure, the appropriation of an allotment for the purposes of exercise and recreation for the inhabitants of the neighbourhood not exceeding the quantity hereinafter mentioned applicable to each case; that is to say, where the Land to be inclosed shall be situate in any parish the population of which, according to the then last previous Parliamentary Census, shall amount to or exceed Ten thousand persons, Ten acres; where the Land to be inclosed shall be situate in any parish the population of which, according to such Census, shall amount to or exceed Five thousand persons and be less than Ten thousand persons, Eight acres; and where the Land to be inclosed shall be situate in any parish the population of which, according to such Census, shall amount to or exceed Two thousand persons and be less than Five thousand persons, Five acres; and in every case except as aforesaid, not exceeding Four Acres; and if in the provisional order for such Inclosure the Commissioners shall not have required the appropriation of an allotment for the purposes of exercise and recreation, the Commissioners shall, in their annual general report, state the grounds on which they shall have abstained from requiring such appropriation.

30.  
Allotments  
for exercise  
and recreation  
may be re-  
quired as  
conditions of  
Inclosure.

And be it Enacted, That in the provisional order of the Commissioners concerning the Inclosure under the provisions of this Act of any Waste Land of any Manor on which the tenants of such Manor

31.  
Allotments  
for labouring  
poor.

have rights of Common, or of any Land whatsoever subject to rights of Common which may be exercised at all times of the year for cattle levant and couchant as aforesaid, or to any rights of Common which may be exercised at all times of the year, and which shall not be limited by number or stints, it shall be lawful for the Commissioners to require and specify as one of the terms and conditions of such Inclosure, the appropriation of such an allotment for the labouring poor as the Commissioners shall think necessary with reference to the circumstances of each particular case, such allotment, nevertheless, to be subject to a rent-charge, to be payable thereout to any person or persons who may be entitled to allotments under such Inclosure as hereinafter provided ; and if in the provisional order for such Inclosure the Commissioners shall not have required the appropriation of an allotment for the labouring poor, the Commissioners shall, in their annual general report, state the grounds on which they shall have abstained from requiring such appropriation.

32.  
Acts for the  
Inclosure of  
Lands in pur-  
suance of the  
reports of the  
Commission-  
ers to be  
deemed public  
general Acts.

And be it Enacted, That in case by any Act of Parliament hereafter to be passed, it shall be enacted, that the Inclosures, the expediency of which shall have been certified by the Commissioners in their annual general Report as aforesaid, or any of them, be proceeded with, the same shall in every case be proceeded with and completed according to the provisions of this Act, and on the terms and conditions in the provisional order of the Commissioners specified in that behalf, and every such Act of Parliament hereafter to be passed containing such enactment as aforesaid shall be deemed a public general Act.

33.  
Meeting for  
appointing  
Valuer.

And be it Enacted, That as soon as conveniently may be after the passing of any Act of Parliament by which any Inclosure shall be directed to be proceeded with under the provisions of this Act, or (in the case of Land subject to be inclosed under this Act without the previous direction of Parliament), as soon as conveniently may be after the expiration of Thirty Days from the publication by the Commissioners of the notice of their intention to proceed with an Inclosure under this Act, the Commissioners shall call a meeting of the persons interested in the Land to be inclosed, of which Twenty-one Days' notice shall be given by advertisement, to be held for appointing a Valuer to divide, set out and allot such Land, or so much thereof as shall not be directed to be set out for public purposes, among the persons interested therein, and to set out, divide and improve in such manner as hereinafter mentioned, so much thereof as shall be directed to be set out for public purposes, and the Commissioners, if they shall so think fit, may appoint an Assistant Commissioner to be present and to preside at such meeting, and to take the votes of the persons present thereat ; and the persons or their agents present at the meeting, or the majority in number, and the majority in respect of interest, may appoint a Valuer ; and in case the majority in number and the majority in respect of

of interest shall not agree upon the appointment, then the Commissioners shall appoint a Valuer : Provided always, That no person shall in anywise act as an Assistant Commissioner in an Inclosure under this Act, or be appointed a Valuer in such Inclosure, who shall be interested in such Inclosure, or shall be the agent ordinarily entrusted with the care, superintendence or management of the estate of any person so interested.

And be it Enacted, That at the meeting for appointing a Valuer, or at some other meeting called by the Commissioners for the purpose, the persons present by themselves or their agents at such meeting, or the majority in number and in respect of interest of such persons, may resolve upon instructions to the Valuer not inconsistent with the terms and conditions of the provisional order of the Commissioners and of any Act hereafter to be passed by which the Inclosure may have been authorized for the appropriation of parts of the Land proposed to be inclosed for such public purposes as hereinafter mentioned or any of them ; that is to say, for the formation of public roads and ways for widening or improving existing public roads and ways ; for a supply of stone, gravel or other materials for the repairs of the roads and ways within the parish in which such Land shall be situate ; for the formation of such public drains, watercourses or embankments as may appear conducive to the health and advantage of such parish or the neighbourhood ; for the formation or improvement of public ponds, wells and watering-places ; for a place of exercise and recreation for the inhabitants of the neighbourhood ; for allotments or field-gardens for the labouring poor ; for a supply of fuel for the poor or other inhabitants of such parish ; for Land for any burying-ground, or enlarging any burying-ground ; for the site of any church or chapel, parsonage-house, school, workhouse or garden to be attached thereto respectively, or for any other purpose of public utility or convenience, or for the general convenience or accommodation of the persons interested in the Land to be inclosed ; and also, upon instructions to such Valuer, for the formation, alteration or improvement on the Land to be inclosed of private or occupation roads and ways, common ponds, ditches, watercourses, embankments, tunnels, bridges and fences, or any of them, or any other works for the improvement of such Land, or for the convenience of the occupiers of the respective allotments thereof ; and also for the adoption and use for the purposes of the Inclosure of a copy of any map or plan which shall have been confirmed under the hands and seal of the Tithe Commissioners of the Land in question, or of any other map or plan of the accuracy of which the Inclosure Commissioners shall be satisfied, or for making any new survey, map or plan, and as to all other matters and things which may be proper to be done in the matter of the Inclosure, and also for the raising and payment of all expenses incident to such Inclosure, either by sale of part of the Land proposed to be inclosed, or by such rate as hereinafter provided, as to the persons present

34-  
Instructions  
to Valuer.

sent at such meeting, or such majority as aforesaid, shall seem fit; or in case the majority in number and not less than Four-fifths in value of interest of the persons present at such meeting shall resolve on a sale of all the land proposed to be inclosed, except such part thereof as shall have been directed to be set out for public purposes, then it may be an instruction to the Valuer to proceed to such sale; and the majority in number and value as aforesaid may make any agreement with the Valuer for the payment of such Valuer for the duties to be performed by him under this Act; and all such instructions and such agreement (if any) shall be reduced into writing, and shall be sent by the Assistant Commissioner (if any) present at the meeting, or otherwise by the Chairman of the meeting to the Office of the Commissioners; and it shall be lawful for the Commissioners, having regard to the protection of the rights of all persons interested in the Inclosure, to allow or disallow such instructions, in whole or in part, or to make such alterations therein or additions thereto, not inconsistent with the terms and conditions of such provisional order and Act as aforesaid, and to allow or disallow such agreement, as they shall think proper; and in case no instructions shall have been so resolved upon, and sent to the Commissioners, or in case they shall disallow the instructions so resolved upon and sent, it shall be lawful for the Commissioners to frame such instructions as they shall think proper, not inconsistent with the terms and conditions of such provisional order and Act as aforesaid; and in case no such agreement shall have been sent, or the agreement sent shall have been disallowed, it shall be lawful for the Commissioners to make such order for the payment of the Valuer as they shall think proper; and a copy, under the seal of the Commissioners of all such instructions as the same shall have been allowed, altered or framed as aforesaid, shall be delivered to the Valuer, with a copy of such provisional order and Act of Parliament (if any) as aforesaid, and the Valuer shall in his proceedings in such Inclosure observe and obey the directions and declarations of such provisional order, act and instructions respectively.

35.  
**CLAUSE (B.)**  
 Valuer may  
 be assisted by  
 an Assistant  
 Commissioner.

And be it Enacted, That the said Valuer, upon the hearing and determining of any contested claim or objection, or upon awarding any costs, as hereinafter mentioned, shall, if he think proper, or if the persons interested shall in their instructions to the Valuer so direct, be assisted by an Assistant Commissioner, specially appointed as an Assessor, who shall be a practising Barrister-at-Law of Ten Years' standing at the least, and the determinations of the said Valuer as to all such contested claims and objections and costs shall be made pursuant to and in conformity with the decisions of such Assessor: Provided nevertheless, That such Assessor shall not interfere further in the execution of this Act than in settling what contested claims shall be allowed or disallowed, and what costs, if any, shall be allowed to or paid by any parties making or objecting to such claims.

And

36.

CLAUSE (C.)  
A Surveyor  
may be ap-  
pointed where  
the parties  
interested  
think fit.

And be it Enacted, That at the meeting for appointing a Valuer, or at some other meeting called by the Commissioners for this purpose, it shall be lawful for the persons or their agents present at such meeting, or the majority in number, and the majority in respect of  
5 interest (if they shall so think fit) to appoint a Surveyor for the purposes of such Inclosure, to assist or act under the directions of the Valuer in the admeasurement, mapping and setting out of the lands to be inclosed, and where a Surveyor shall be so appointed, such Surveyor shall be subject to removal, and a Surveyor may from time  
10 to time be appointed in the place of any Surveyor who may die or be removed in such and the same manner as hereinafter provided in respect to the Valuer.

37.

Form of De-  
claration by  
Valuer.

And be it Enacted, That no Valuer shall be capable of acting until he shall have made and subscribed before the said Commissioners or  
15 some Assistant Commissioner, Justice of the Peace, or Master Extraordinary in Chancery, the following Declaration; (that is to say)

"I, do solemnly declare that I will  
faithfully, impartially and honestly, according to the best of  
my skill and judgment, perform all the duties of a Valuer  
20 in the Inclosure of according to the provisions  
of an Act passed in the year of the reign of Her  
Majesty Queen VICTORIA, intituled "

Which Declaration it shall be lawful for the Commissioners or any Assistant Commissioner, Justice, or Master Extraordinary in  
25 Chancery to administer; and every such Declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the Office of the Commissioners; and a certificate, under the seal of the Commissioners, that the person named in such certificate has been appointed  
30 a Valuer in the matter of an Inclosure, and has made and subscribed the Declaration required by this Act, shall be conclusive evidence of such appointment and of his having made and subscribed such Declaration.

38.

Power to set  
out Boun-  
daries of  
Parishes.

And be it Enacted, That in case it shall be represented to the Com-  
35 missioners by the Valuer acting in the matter of any Inclosure, that the boundaries of any parish, honor or manor in which the Land proposed to be inclosed, or any part thereof, shall be situate, and of any parish, honor or manor adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for  
40 the Commissioners or any Assistant Commissioner by them appointed for that purpose, after giving such notices as they or he shall think necessary for the protection of the rights of all persons interested in this behalf, to ascertain and set out the same respectively

Appeal on  
questions of  
Boundary.

in writing under the hand and seal of such Assistant Commissioner, or under the seal of such Commissioners; and after the said boundaries shall be so ascertained and set out and fixed, the same shall and are hereby declared to be the boundaries of such parishes, honors and manors respectively; and the Commissioners or Assistant Commis- 5  
sioner shall, within One calendar Month after ascertaining and setting out the boundaries, publish the same, by causing a description thereof in writing to be delivered to or left at the place of abode of one of the Churchwardens or Overseers of the poor of each of the parishes of which the boundary shall be so set out, and of the 10  
Lords of the several honors and manors of which the boundary shall be so set out, or of the Stewards of the respective honors and manors, and shall give notice that such boundary has been so set out, and that such description has been so left as aforesaid, by advertisement: Provided always, That any person interested in the 15  
determination of the Commissioners or Assistant Commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may within One calendar Month next after publication of the said boundaries, by delivering or leaving such description as aforesaid, give notice in writing of his dissatisfaction to the Commis- 20  
sioners, specifying the particulars in respect whereof he may be dissatisfied, and request that the matter in dispute may be submitted to the determination of a jury, or any person dissatisfied may, within One calendar Month after such publication of the said boundaries, give notice in writing to the Commissioners of such dissatisfaction, and 25  
of such particulars thereof, and of his intention to apply to the Queen's Bench to remove the determination of the Commissioners, or Assistant Commissioner, by certiorari, into the said Court; and in every case in which any person shall have requested that the matter in dispute may be submitted to the determination of a jury as 30  
aforesaid, and no notice shall have been given to the Commissioners by any person within the time hereinbefore limited of his intention to apply to the Court of Queen's Bench to remove the determination of the Commissioners or Assistant Commissioners by certiorari as aforesaid, or such determination shall not have been removed within the 35  
time hereinafter limited, the Commissioners shall and they are hereby required to issue a warrant under their hands and seal to the sheriff of the county in which the parishes, honors and manors in question or one of them shall be situate, commanding such sheriff to impanel, summon and return, and such sheriff is hereby accordingly empowered 40  
and required to impanel, summon and return a jury of at least Eighteen sufficient and indifferent men qualified according to the laws of the realm to be returned for trial of issues in Her Majesty's Courts of Record at Westminster; and the persons so to be impaneled, summoned and returned are hereby required to appear before any Assistant Commissioner specially appointed by the Commissioners for that purpose

purpose at such time and place as in such warrant shall be appointed, and to attend from day to day until duly discharged; and out of such persons so to be impaneled, summoned and returned, a jury of Twelve men shall be drawn by the said Assistant Commissioner, or by some  
5 person to be by him appointed, in such manner as juries for trials of issues joined in Her Majesty's Courts of Record at Westminster are by law directed to be drawn; and in case a sufficient number of jurymen shall not appear at the time and place so to be appointed as aforesaid, such sheriff shall return other honest and indifferent men  
10 of the standers-by, or of others that can speedily be procured to attend that service (being so qualified as aforesaid), to make up the said jury to the number of Twelve; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said Assistant Commis-  
15 sioner is hereby empowered and required to summon before him all persons who shall be thought necessary to be examined as witnesses touching the matter in question, and may authorize or order the said jury, or any Six or more of them, to view the boundaries or the part thereof which is in controversy, and such jury  
20 shall upon their oaths, or, being Quakers, upon their affirmations (which oaths and affirmations, as well as the oaths and affirmations of all such persons as shall be called upon to give evidence, the said Assistant Commissioner is hereby empowered and required to administer), inquire into and ascertain the said boundaries, or such part  
25 thereof as shall have been in controversy, and shall declare whether the said boundaries as described and set out and published as aforesaid are or are not the true boundaries of the respective parishes, honors and manors respectively, and in case they shall declare that the same are not the true boundaries, then shall declare in  
30 what manner the boundaries so described and set out and published as aforesaid ought to be amended, and shall give verdict accordingly, and the Assistant Commissioner shall reduce such verdict to writing and certify the same to the Commissioners, under his hand and seal; and in case such jury shall have declared that the bound-  
35 aries so described and set out and published as aforesaid ought to be amended, the Commissioners shall amend the same in accordance with such verdict, and such amended boundaries shall thenceforth be conclusive on all persons whomsoever.

And be it Enacted, That if any person so summoned and returned  
40 upon any such jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or, being a Quaker, to make affirmation, or shall refuse to give his verdict, or shall in any other manner wilfully neglect his duty contrary to the true intent and meaning of this Act; or if any person so summoned to give evidence as aforesaid shall not appear on being paid or tendered a reasonable sum for his costs and  
491. c 3 expenses,

39.  
Non-attendance of jury-men.

expenses, or appearing shall refuse to be sworn, or, being a Quaker, affirmed, or to give evidence, every person so offending, having no reasonable excuse, to be judged of and determined by the said Assistant Commissioner, shall forfeit and pay for every such offence any sum not exceeding Ten Pounds ; all which said penalties and forfeitures shall and may be recovered as penalties and forfeitures are recoverable under this Act. 5

40.  
Juries to be subject to the Regulations concerning Juries returned to try issues in Courts of Record at Westminster.

And be it Enacted, That every such jury and jurymen as aforesaid shall also be subject to the same regulations, pains and penalties as if such jury and jurymen had been returned for the trial of any issue joined in any of Her Majesty's Courts of Record at Westminster. 10

41.  
Costs of appeal.

And be it Enacted, That in every case in which the verdict of a jury shall be given in favour of the person who shall have requested that such jury be summoned, all the costs of summoning such jury and the expenses of witnesses shall be defrayed by the Commissioners, and shall be expenses in the Inclosure in the matter of which the question shall have arisen, and such costs and expenses shall be settled and determined by the said Assistant Commissioner as aforesaid ; but if the verdict of the jury shall be given against such person, the said costs and expenses shall be defrayed by such person ; and in case such costs and expenses shall not be paid to the party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may, by warrant of the Commissioners directed to any person or persons whomsoever, be levied by distress ; but in case such person shall have requested such jury to be summoned, in pursuance of a resolution of the rate-payers of any parish in vestry assembled, the costs and expenses so paid by him shall be repaid to him by the Overseers of the Poor of such parish, out of the poor's rate, and shall be allowed in account to such Overseers. 15 20 25

42.  
Security for Costs to be taken by the Commissioners.

And be it Enacted, That every person who shall be dissatisfied and shall require a jury to be summoned as aforesaid, shall, at his own costs, before the Commissioners shall be obliged to issue their warrant for the summoning of such jury, enter into a bond with two sufficient sureties to the Commissioners in a sufficient penalty to prosecute the complaint, and to hear and pay their costs and expenses of summoning and returning such jury and taking such verdict, and of the summoning and attendance of witnesses, in case the said costs and expenses shall fall upon them. 30 35

43.  
CLAUSE (D.)  
Persons dissatisfied with determination of Commissioners may appeal to Court of Queen's Bench.

And be it Enacted, That any person interested in the determination of the said Commissioners or Assistant Commissioner respecting the said boundaries who shall be dissatisfied with such determination, and who shall, within the time hereinbefore limited, have given to the Commissioners notice in writing of his intention to apply to the Court 40

Court of Queen's Bench, as hereinbefore mentioned, may, within Six calendar Months next after publication of the said boundaries, move the Court of Queen's Bench to remove the said determination of the Commissioners or Assistant Commissioner by certiorari into the said

5 Court, the party making such application giving (in addition to such notice of his intention as aforesaid) Eight Days' notice of such application to the said Commissioners, and in case of removal as aforesaid the decision of the said Court therein shall be final and conclusive as to the boundaries of such parish, and after the expiration of the

10 said term of Six calendar Months the determination of the Commissioners or Assistant Commissioner shall not be removed or removable by certiorari, or any other writ or process whatsoever, into any of Her Majesty's Courts of Record at Westminster or elsewhere, and no certiorari shall be allowed to remove such determination, unless the

15 party prosecuting the certiorari shall, before allowance thereof, enter into a recognizance before One of the Justices of the said Court in the sum of Fifty Pounds, with condition to prosecute the same without wilful delay, and to pay to the said Commissioners their full costs and charges within One calendar Month after the determination

20 shall have been confirmed to be taxed according to the custom of the Court, and no determination of a jury under the provision hereinbefore contained shall be removed or removable by certiorari; and in every case in which any determination of the Commissioners or of any Assistant Commissioner, respecting the boundary of any parish,

25 shall be removed into the Court of Queen's Bench, it shall be lawful for the Court to direct the trial of one or more feigned issues upon such points as the Court shall think fit, and also to direct who shall be the plaintiff or plaintiffs and who shall be the defendant or defendants on such trial, or to determine the same in a summary

30 manner or otherwise dispose of the question or questions in dispute, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

And be it Enacted, That for the purpose of shortening or rendering straight any boundary fences between the Land to be inclosed and any

35 adjoining Lands, it shall be lawful for the Valuer acting in the matter of any Inclosure, with the consent in writing of the person interested in such adjoining Lands, to set out and determine the boundaries between the Land to be inclosed and such adjoining Land, or to draw and define a new line of boundary, as he shall judge proper for

40 the purposes aforesaid; and after such boundaries shall have been so set out and determined as aforesaid, or such new line of boundary drawn and defined, the same shall be made, fenced, ditched or mounded by such person, in such manner and at such times as the Valuer shall direct, and shall for ever thereafter be deemed the boundaries and limits of such respective Lands.

44.  
Power to  
straighten  
Boundaries.

45.  
Valuer to  
hold meetings.

And be it Enacted, That the Valuer acting in the matter of any Inclosure, shall from time to time hold such meetings for the examination of claims and otherwise in the matter of such inclosure as occasion shall require, and shall cause notice to be given on the church door ; and also, like notice to be given by advertisement of the time and place of the meeting in the matter of such Inclosure, and of each subsequent meeting in the like manner, Fourteen Days at least before such respective meeting (meetings by adjournment only excepted), and if from any cause the Valuer shall think fit to adjourn or postpone any such meeting, it shall be lawful for him to adjourn or postpone such meeting to any future day.

46.  
Claims to be  
delivered in  
writing.

And be it Enacted, That all persons claiming any common or other right or interest in any Land proposed to be inclosed as aforesaid, shall deliver such claims in writing to the Valuer acting in the matter of such Inclosure, at such meeting as the Valuer shall appoint for the purpose, stating the several particulars in respect whereof such claims are made, and distinguishing the claims in respect of freehold, copyhold, customary and leasehold property from each other, and mentioning therein the places of abode of the respective claimants or their agents at which notices in respect of such claims may be delivered ; and no such claim shall be received by such Valuer after the last meeting to be held for that purpose (of which notice shall be given), except for some special cause to be allowed by the Commissioners.

47.  
Statement of  
Claims to be  
deposited for  
examination

And be it Enacted, That a statement of all claims in the matter of any Inclosure which shall have been delivered to the Valuer acting in the matter of such Inclosure as hereinbefore provided, shall be made and deposited by him at some public place within the parish in which the Land to be inclosed, or the greater part thereof, shall be situate ; and the Valuer shall cause Fourteen Days' notice to be given of the time and place of the meeting for the examination of such claims and for the attendance of all parties concerned therein ; and at such meeting the Valuer shall proceed to examine into and determine such claims, and shall and may allow or disallow the same in whole, or in part, and make such order therein as to him shall appear just ; and in case any doubts or difficulties shall arise respecting such claims, or any differences shall happen between any of the claimants touching their respective claims or the relative proportions of their rights and interests, the Valuer shall determine the same, and shall make such order therein as to him shall appear just, which order shall be final, unless any party shall be dissatisfied with the determination of the Valuer, and shall give notice, as hereinafter provided, of his desire to have the claim or matter heard and determined by the Commissioners or an Assistant Commissioner, or in case the Commissioners shall think fit to revise such determination under the power hereinafter contained.

Claims to be  
heard and  
determined  
by Valuer,  
subject to  
appeal to  
Commission-  
ers.

And

Provided also, and be it Enacted, That nothing in this Act contained shall extend to enable the Valuer or the Commissioners or any Assistant Commissioner to determine the title of any Lands or to determine any right between any parties contrary to the actual possession of any such party (except in cases of encroachment, as hereinafter mentioned), but in case the Valuer or the Commissioners or Assistant Commissioner shall be of opinion against the rights of the party in possession, they or he shall forbear to make any determination thereupon until the possession shall have been given up by such party or recovered from him in due course of law; or where the circumstances shall admit, such Valuer, or the Commissioners or Assistant Commissioner may declare what right is appendant or appurtenant to any Land or hereditament, or otherwise declare by any sufficient description the rights of the owner for the time being of any Land or hereditament, without declaring by name who may be the actual owner of such Land or hereditament.

48.  
Titles not to be determined by Valuer, Commissioners or Assistant Commissioners.

And be it Enacted, That all encroachments and Inclosures other than Inclosures duly authorized by the custom of any manor of which such Land shall be parcel, or otherwise according to law, which shall have been made by any person from or upon any part of the Land proposed to be inclosed, within Twenty Years next before the first meeting for the examination of claims in the matter of the Inclosure thereof, whether any amerciamment, rent or money, payment or acknowledgment shall or shall not have been paid or made in respect of the same to or for the use of the Lord of the Soil, or any other person, shall be deemed parcel of the Land subject to be inclosed, and shall be divided, allotted and inclosed accordingly: Provided always, That in case under the circumstances of any such encroachments or Inclosures it shall appear to the Commissioners just or reasonable that rights or interests in the Lands to be inclosed should be allowed to the persons in possession of such encroachments or Inclosures, it shall be lawful for the Commissioners, either in the instructions to the Valuer, or by any subsequent order under their seal, to direct what rights and interests, either absolute or for any limited terms or estates, should be allowed in respect of such encroachments, and the Valuer shall allow and declare such rights accordingly: Provided also, That it shall be lawful for the several persons who shall be in possession of any such encroachments or Inclosures, or in the receipt of the rent thereof at the time of the determination of claims under this Act, to take down or remove all such buildings, fences and other erections as shall then be thereon, and to convert the materials thereof to their own use within Two calendar Months after notice in writing signed by the Valuer, given to such respective persons or posted on the church door; and in case any dispute or difference shall arise touching any such encroachments or Inclosures, or as to the extent thereof, such dispute or difference shall be determined by the Valuer.

49.  
Provisions for encroachments within Twenty Years.

491.

D

Provided

50.  
School-houses  
&c. not to be  
deemed en-  
croachments.

Provided also, and be it Enacted, That in case any such Land shall have been taken or used, at any time before such first meeting for the examination of claims, for the erection of a school-house or the appurtenances thereto, or for other such purposes as in the opinion of the Commissioners shall be charitable or parochial purposes, such Land so taken, or the erections made thereon, shall not be taken or deemed to be of the nature of an encroachment within the meaning of this Act; but where such land shall have been so taken for the purposes aforesaid, within Twenty Years next before such first meeting for the examination of claims, it shall be lawful for the Commissioners, where it shall appear just and desirable for the purposes of Inclosure, to direct that such land be deemed parcel of the land subject to be inclosed, and be divided, allotted and inclosed accordingly, and that compensation be made to the persons in possession thereof, or for the purposes for which such land shall have been so taken or used, by adequate allotments of the land so to be inclosed.

51.  
Encroach-  
ments of  
Twenty  
Years  
standing  
to be deemed  
ancient Inclo-  
sures.

Provided always, and be it Enacted, That all Land which shall have been inclosed from any Land subject to be inclosed under this Act for more than Twenty Years next preceding the day of the first meeting for the examination of claims in the matter of such Inclosure shall, for the purposes of this Act, be deemed and taken to be ancient Inclosures, but not so as to carry any right of common or compensation or allotment for or in respect of right of common which might be claimed in respect of ancient Inclosures.

52.  
Rights in re-  
spect of Tofts  
to be allowed.

And be it Enacted, That all tofts, foundations or sites of ancient commonable messuages or cottages shall, upon proof being made to the satisfaction of the Valuer acting in the matter of any Inclosure, that commonable messuages or cottages formerly stood thereon, be deemed commonable messuages or cottages, and the respective proprietors thereof shall be entitled to the same compensation for the rights of common originally belonging thereto as if such messuages or cottages were still standing.

53.  
Rights not  
sustainable in  
law to be  
allowed upon  
proof of Sixty  
Years' usage.

And be it Enacted, That where any claim shall be made to any right of Common or other right which in the judgment of the Valuer or of the Commissioners or Assistant Commissioner could not be sustained in law, but proof shall be made to the satisfaction of the Valuer or of the Commissioners or Assistant Commissioner that there has been enjoyment under the right so claimed for the space of Sixty Years or upwards, next before the first meeting for the examination of claims in the matter of such Inclosure, it shall be lawful for the Valuer or the Commissioners or Assistant Commissioner to allow such claims in such and the same manner as if the right so claimed might have been legally sustained and established.

And

And be it Enacted, That after the Valuer shall have heard and determined all claims and objections which shall have been made in the matter of an Inclosure, he shall cause a schedule of such claims and objections and of his determinations thereon to be deposited, and to remain for Thirty Days 'at the least for the inspection of all persons interested therein at some public place within the parish in which the Land to be inclosed or the greater part thereof shall be situate, and shall cause notice to be given on the church door of such parish and by advertisement of such deposit, and shall also send a copy of such schedule to the Commissioners, and shall furnish any explanations or information in relation thereto to the Commissioners as they shall require, and in case any party dissatisfied with any determination of the Valuer as aforesaid shall within Thirty Days next after notice by the Valuer of such deposit of the said Schedule cause to be delivered to the Commissioners notice in writing of such dissatisfaction and of the desire of such party to have the claim or matter so determined by the Valuer heard and determined by the Commissioners or by an Assistant Commissioner, or in case the Commissioners shall, on the representation of any persons interested in such Inclosure, or on the information given by the Valuer in relation to such schedule, be of opinion that all or any of the determinations of such Valuer shall have been made without due consideration of the legal rights of the parties interested or shall be erroneous, then and in any such case the Commissioners shall forthwith give notice in such manner as they shall think fit, appointing some convenient place and time for holding a meeting to hear and determine the claim or matter which shall be so desired to be reheard, or all or any of the claims or matters which shall be mentioned in the said schedule as the Commissioners shall think fit ; and the Commissioners or any Assistant Commissioner specially empowered for that purpose shall rehear and determine such claim or matter, and the determination of the Commissioners or such Assistant Commissioner shall be final and conclusive, and shall be binding on the Valuer acting in the matter of such Inclosure, unless any party dissatisfied therewith shall try his right by an issue at law as hereinafter provided.

**54.**  
**Schedule of**  
**claims allow-**  
**ed by valuer**  
**to be made**  
**and deposited.**  
**Claims may**  
**be reheard**  
**by Commis-**  
**sioners or an**  
**Assistant**  
**Commis-**  
**sioner.**

40 Provided always, and be it Enacted, That if any person claiming to be interested in any Land proposed to be inclosed under this Act shall be dissatisfied with any determination of the Commissioners or Assistant Commissioner, concerning any claim or interest in or to the Land proposed to be inclosed under the powers hereinbefore contained, and shall cause notice in writing of such dissatisfaction to be delivered to the Commissioners, within Thirty Days next after notice of such determination shall have been given to the several parties or persons specially interested, if any such there be, it shall be lawful for such person so dissatisfied and giving such notice as

491. D 2 aforesaid

**55.**  
**Appeal against**  
**determination**  
**of the Com-**  
**missioners.**

aforesaid to bring an action upon a feigned issue against the person in whose favour such determination shall have been made, or against the Commissioners, and to proceed to a trial at law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be holden for the county wherein the Land relating to which such dispute shall arise shall be situate; and the defendant in such action shall, upon being served with the usual process therein, appear thereto, and accept One or more issue or issues whereby such claim, and the right and interest thereby insisted upon, may be tried and determined; such issue to be settled by the proper officer of the Court in which the said action shall be commenced in case the parties shall differ about the same; and the verdict given upon the trial of such action shall be binding and conclusive upon all parties thereto, unless the Court wherein such action shall be brought shall set aside such verdict and order a new trial to be had; and after such verdict shall be given and final judgment obtained thereon, the Commissioners shall act in conformity thereto, and allow or disallow the claim thereby determined according to the event of such trial; and the costs attending any such action shall abide the event of the trial.

56.  
Determination of Commissioners not appealed against conclusive.

Provided always, and be it Enacted, That if no such notice of dissatisfaction shall be given, or if no such action at law shall be commenced aforesaid, or if any such action shall be commenced and the plaintiff therein shall not proceed to trial within the time hereinbefore limited for that purpose, unless the Court for sufficient cause put off the trial, then the determination of the said Commissioners or Assistant Commissioner shall be final and conclusive.

57.  
Actions not to abate.

And be it Enacted, That if any person, plaintiff or defendant, in any action to be brought as aforesaid shall die pending the same, such action shall not abate by reason thereof, but may be proceeded in as if no such event had happened, the heir or devisee or other person entitled to the interest of the deceased party in the matter in question being served with process in the action; and if any person in whose favour such determination as aforesaid shall have been made, and against whom any such action might have been brought if living shall die before any action brought, it shall be lawful for the person who might have brought such action to bring the same, within the time so limited as aforesaid, against such person as if actually living, and to serve the Commissioners with process for commencing such action in the same manner as the deceased person might have been served therewith if living; and it shall thereupon be incumbent on the Commissioners to serve with such process the heir or devisee or personal representative of the deceased person, or other the person who shall claim the benefit of such determination as aforesaid; and on such process being served, such heir or devisee, or personal representative, or

or other person, shall appear and defend such action in the name of the person so dead, and proceedings shall be had therein in the same manner as if such person had been living, and the rights, interests and claims of all parties shall be equally bound by the event of any action so brought or continued as aforesaid, as if the death of any of the persons interested therein had not occurred.

And be it Enacted, That in case the Commissioners or any Assistant Commissioner appointed to hear and determine any claim or matter in pursuance of this Act, shall see cause to award any costs, it shall be lawful for the Commissioners or Assistant Commissioner, upon application, to assess and award such costs as they or he shall think reasonable to be paid to the person in whose favour any determination of the Commissioners or Assistant Commissioner shall have been made, and by the person whose claim or objection shall have been disallowed ; and in case any person liable to pay such costs shall neglect or refuse to pay the same upon demand, or within Fourteen Days thereafter, the Commissioners or Assistant Commissioner shall by warrant directed to any person or persons whomsoever, cause such costs to be levied by distress ; and if there shall be no goods and chattels whereon to levy such costs, it shall be lawful for the person in whose favour such costs shall be awarded, to recover the same by action of debt, or on the case ; in which action it shall be sufficient for the plaintiff to declare that the defendant is indebted to him in the sum specified in the order of adjudication made by the Commissioners or Assistant Commissioner, and in consequence of such order, without setting forth any other proceedings under this Act.

58.  
Commissioners may  
award Costs.

Provided always, and be it Enacted, That in case any person hereinbefore authorized to bring an action upon a feigned issue, and the person against whom such action might be brought shall be desirous of submitting the matter in dispute or difference to the arbitration of any arbitrator, or of any arbitrators and umpire, it shall be lawful for such persons, to submit such matter in dispute accordingly, and such submission shall be irrevocable, and the decision thereupon shall be binding on both parties and be obeyed accordingly, and the costs of such arbitration shall abide the event ; and the Commissioners may require each of the persons in difference upon any such submission to arbitration to give such security for the payment of the costs of such arbitration as the Commissioners shall think fit.

59.  
Differences  
may be sub-  
mitted to  
arbitration.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure to set out and make such common ponds, ditches, watercourses, embankments, tunnels and bridges of such extent and form, and in such situations as he shall deem necessary, and as shall not be inconsistent with the terms and conditions, and instructions hereinbefore mentioned, in the Land to be inclosed,

60.  
Power to  
Valuer to  
make Water-  
courses, &c.

and also to enlarge, cleanse or alter the course of and improve any of the existing ditches or watercourses, embankments, tunnels or bridges, as well in and over the same Land, as also in any ancient Inclosures or other Lands in the parish or respective parishes in which the Land to be inclosed may be situate, as the Valuer shall 5 deem necessary, making such satisfaction to the proprietors of such ancient Inclosures or Lands for the damage done thereby as the Valuer shall think just; and the expense of making and enlarging, altering and cleansing such ponds, ditches, watercourses, embankments, tunnels and bridges, when the same shall be first done in pursuance of this 10 Act, if not otherwise provided for, shall be raised and paid in the same manner as the other expenses of the Inclosure; but all such ponds, ditches, watercourses, embankments, tunnels and bridges shall at all times afterwards be repaired, cleansed and maintained by such persons, and in such manner as the Valuer shall direct, provided that no water- 15 course be diverted or turned without the consent, in writing, of the person interested in the Land from which the same may be diverted, and of the person interested in the Lands into which the same may be turned, or to the prejudice of any person interested in such water-course. except with his consent in writing; and that no ditch or water- 20 course, embankment, tunnel or bridge be enlarged or altered on any land other than the land to be inclosed, without the consent, in writing, of the person interested in such land.

61.  
Power to  
alter Roads  
and Ways.

And be it Enacted, That in the first place the Valuer acting in the matter of any Inclosure shall and may, before he shall proceed to make any 25 of the divisions and allotments of the Land to be inclosed, in pursuance of or in any manner not inconsistent with the instructions given to such Valuer as aforesaid, set out and make public roads and ways, and widen public roads and ways in or over the land to be inclosed, and stop up, divert or alter any of the roads or ways passing through the Land to 30 be inclosed, or through any old Inclosures in the parish or respective parishes in which the Land to be inclosed shall be situate; and the soil of such of the roads and ways so to be discontinued and stopped up as pass through the Lands to be inclosed, shall be deemed part of the Lands to be inclosed: Provided always, That nothing herein contained shall 35 authorize the altering or diverting any turnpike-road, unless the consent of the majority of the Trustees of such turnpike-road, assembled at a public meeting called for that purpose, be first obtained: Provided also, That before any public road or way shall be discontinued, diverted, stopped up or altered by the Valuer acting in the matter of 40 any Inclosure, the Valuer shall cause to be affixed at each end of such road or way a notice to the effect that the same is intended to be discontinued, stopped up, diverted or altered, as the case may be, from and after a day to be mentioned in such notice; and the Valuer shall also cause the same notice to be given by advertisement for Four successive Weeks, and also on the church-door on the Four Sundays of the

the said Four successive Weeks ; and after the said several notices shall have been so given, such road or way shall from and after the day in such notice mentioned, be deemed to be discontinued, stopped up, diverted or altered, as the case may be, subject however to such  
 5 appeal as is hereinafter mentioned.

And be it Enacted, That it shall be lawful for any person within Four Months after the first Sunday on which such notice shall have been given on the church-door of the intention that such road or way should be discontinued, stopped up, diverted or altered, as the case may be, to  
 10 make his complaint thereof by appeal to the Justices of the Peace at the Quarter Sessions for the county, riding, division or other jurisdiction in which such road or way, or the greater part thereof, shall be situate, upon giving to the Valuer Fourteen Days' notice in writing of such appeal, together with a statement in writing of the grounds thereof ; but it shall  
 15 not be lawful for the Appellant to be heard in support of such appeal, unless such notice and statement shall have been given as aforesaid, nor on any hearing of appeal to go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

62.  
 Appeal to  
 Quarter Ses-  
 sions.

And be it Enacted, That in case of such appeal, the Justices at such  
 20 Quarter Sessions shall, for the purpose of determining whether such public road or way shall be discontinued, stopped up, diverted or altered, or whether the party appealing would be thereby injured, or aggrieved, impanel a jury of Twelve disinterested men out of the persons returned to serve as jurymen at such Quarter Sessions ; and if  
 25 after hearing the evidence produced before them the said jury shall return a verdict that such road or way is unnecessary, or may beneficially to the public be discontinued, stopped up, diverted or altered, and that the party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such appeal, and shall award the  
 30 costs of resisting the said appeal to be paid by the Appellant to the Valuer, and the same shall be recoverable in the same manner as any penalties and forfeitures are recoverable under this Act ; but if the said jury shall return a verdict that such road or way is not unnecessary, and that the same could not beneficially to the public be so discon-  
 35 tinued, stopped up, diverted or altered, or that the party appealing would be injured or aggrieved thereby, the said Court shall allow such appeal, and such public road or way shall not be discontinued, stopped up, diverted or altered ; or in case the same shall have been discontinued, stopped up, diverted or altered, the said Court shall make an  
 40 order restoring the same to its original state, and shall award to the Appellant the costs of prosecuting such appeal, and such costs shall be paid by the said Valuer out of the monies to be raised for the expenses of the Inclosure : Provided always, That in every case in which any such appeal as aforesaid shall be made by the Surveyor of the high-ways of any parish or place under the direction of the inhabitants of

63.  
 Trial of Ap-  
 peal.

such parish in vestry assembled, or, where there shall be no vestry meeting in such place, under the direction of the inhabitants contributing to highway rates assembled at any meeting of which Fourteen Days' notice shall have been given by advertisement, and on the church door, then, although such appeal shall be dismissed, the costs 5 of prosecuting such appeal, and also such costs as shall be awarded to be paid by the appellant to the Valuer, shall be paid out of the highway rate of such parish or place.

64.  
Roads to be  
fenced.

And be it Enacted, That such public carriage roads so to be set out as aforesaid, shall be well and sufficiently fenced on both sides by 10 such of the persons interested in the Land to be inclosed, and within such time as the Valuer acting in the matter of such Inclosure shall direct; and it shall not be lawful for any person to set up or erect any gate across any such road or way, or to plant any trees in or near to the hedges on the sides thereof, at a less distance from each other than 15 Fifty Yards, within Ten feet of the said hedge, and the Valuer shall form and complete such parts of the said public roads and ways as shall be newly made; and every such public road and way to be set out and made under this Act shall be of the width required by the Act of the sixth year of King WILLIAM the Fourth, intituled, "An 20 Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England, for a Road or Way of the like Description, which may be dedicated to the Use of the Public."

65.  
Expenses of  
making and  
altering  
Roads.

And be it Enacted, That the expenses attending the purchasing of the soil of all such public roads and ways as aforesaid, and the making, 25 the stopping up, discontinuing, diverting, widening and altering of such roads and ways, and the money compensation in respect thereof upon any Inclosure, shall be paid in such manner as the expenses of such Inclosure shall be directed to be paid.

66.  
Roads to be  
repaired by  
the Parish  
after certi-  
ficate by Two  
Justices of  
the Peace.

And be it Enacted, That when and so soon as Two or more of Her 30 Majesty's Justices of the Peace for the county, riding, division or jurisdiction in which the Lands to be inclosed shall be situate, shall certify any of the public roads and ways to be set out in pursuance of this Act on any Inclosure to be sufficiently formed and completed, such roads shall thenceforth be kept in repair by such persons and in 35 such manner as the public roads within the said parish are or ought by law to be kept in repair; and every such certificate shall, at the Quarter Sessions of the Peace to be holden for the said county, riding, division or jurisdiction, next after the date thereof, be filed of record by the Clerk of the Peace.

67.  
Private  
Roads.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall and may set out such private or occupation-roads and 40 ways

ways through the Lands to be inclosed as he shall think requisite, for the use of the persons interested in such Lands, or any of them; and any expenses which the Valuer may incur relative to the setting out or formation or completion of such private roads and ways, or any of them, shall, unless the Valuer shall otherwise direct, be paid in the same manner as the other expenses of the Inclosure; and such expenses of the formation and completion of such private roads and ways as the Valuer shall direct, shall be borne by, and after the formation and completion of such private roads and ways, the same shall be maintained and kept in repair by and at the expense of the owners and proprietors for the time being of the Land inclosed, or such of them, and in such shares and proportions, and in such manner, as the Valuer shall direct; and after such private roads and ways shall have been set out and made, the grass and herbage arising thereon shall for ever belong to and be for the use of such persons interested in the Lands to be inclosed as the Valuer shall direct; and in the absence of such direction, shall belong to the proprietors of the Land to be inclosed which shall next adjoin the said roads and ways on either side thereof as far as the crown of the road; and, after such setting out as aforesaid, all private or occupation-roads or ways over, through and upon the Lands to be inclosed which shall not be set out as aforesaid, shall be for ever stopped up and extinguished.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure, before the making of the award, when the Commissioners shall think necessary for the purpose of the Inclosure, and by order under their seal, authorize or direct, by notice on the church door, to order all or any part of the rights of sheep-walk, common or other rights in or over the Land to be inclosed, or any part thereof, to be extinguished from such time, or the exercise thereof to be suspended during such time as shall be expressed in such notice, and from the time mentioned in such notice such rights shall be extinguished or suspended accordingly; and if during the suspension or after the extinguishment of any such rights of sheep-walk, common or other rights as aforesaid, any person shall permit his horses, cattle, sheep or swine to go or depasture upon any of the Lands over which such rights shall be suspended or extinguished, it shall be lawful for the Valuer acting in the matter of the Inclosure, or any other person by his order (testified in writing under his hand), or any of the persons interested in such Lands or in the Inclosure thereof, to distrain such horses, cattle, sheep or swine being upon such Lands contrary to such order, and to impound the same until the person so offending shall pay to the person so distraining such sum of money as the Valuer shall, by writing under his hand, have previously ordered, not exceeding Ten Shillings for each horse or head of cattle, and Five Shillings for each sheep or swine so distrained; and in case the same shall not be paid within Seven Days after the same shall have been impounded, the

68.  
Rights of  
Common may  
be suspended.

Valuer is hereby authorized to recover the same by way of penalty, as hereinafter mentioned.

69.  
Course of  
Husbandry  
may be  
directed.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure, at such time as he shall think fit, by notice on the church-door, to direct the course of husbandry and the 5  
stint or rule of stocking that shall be observed upon the Land to be inclosed until the time when the Inclosure thereof shall be completed, as well with respect to the laying down, ploughing, sowing, fallowing, manuring and tilling thereof, as to the stocking and feeding of the 10  
commonable Lands, and fallows or stubbles upon the same; and to direct such recompense to be made as he shall think right to any person injured by such directions, all which directions shall be binding upon all parties interested, their farmers and tenants; and the Valuer shall impose such pecuniary penalties on every person not conforming to such 15  
directions as he shall think necessary, not exceeding the sum of Five Pounds per acre in the case of cross-cropping, or withholding from the Land its due proportion of manure, or Ten Pounds in any other case, for any one offence; and shall also determine in all cases where the tenant is entitled by agreement or custom to the manure arising from the Lands in his occupation, by whom and in what sum of money such 20  
tenant shall be compensated for any such manure left or given up by him; and such penalties and other sums of money shall be recovered in the same manner as by this Act directed for the recovery of penalties.

70.  
Compensa-  
tion for  
growing  
Crops.

And be it Enacted, That the Valuer acting in the matter of any 25  
Inclosure shall, by writing under his hand, order what recompense in money shall be made to the owner of any crops growing, according to his agreement or lease, or according to the customary mode of cultivation within the parish in which the Land to be inclosed shall be situate, upon such Land at the time of the division, 30  
allotment and inclosure for the said crops, by the person to whom the Land on which such crops are growing shall be allotted; and also what recompense in money shall be paid, and by whom, to any tenant or occupier of Land, as well for the ploughing, tilling, cultivating, manuring or folding any Land to be inclosed for the 35  
benefit accruing thereby to the person to whom such Land shall be allotted, or for any loss or disadvantage which any tenant or occupier may sustain by the loss of his following or way-going crops upon the Land to be inclosed; and if in any of the said cases the money to be paid for such recompense be not paid at the time and in the 40  
manner ordered by the Valuer, then the same may be recovered by the person entitled thereto from the person liable to pay the same, in the same manner as penalties and forfeitures are recoverable under this Act.

And

71.  
Allotment  
for repair  
of Roads.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall allot to the Surveyor of the Highways for the time being of the parish in which the Land proposed to be inclosed, or any part thereof, shall be situate, and to his successors for ever, such part of the Land proposed to be inclosed as by the instructions given to such Valuer shall have been directed to be appropriated for supplying stone, gravel or other materials for the repairs of roads and ways as aforesaid; or in case no such instructions shall have been given in this behalf, and the Valuer shall think an allotment necessary for the purposes aforesaid, such part as the Valuer shall think fit; and such allotments shall be inclosed and fenced as the Valuer shall direct, and shall, from the confirmation of the award, be vested in the Surveyor of the Highways within the said parish for the time being, in trust for the purposes aforesaid; and the grass and herbage of such allotments shall belong to such persons as by the Valuer shall be directed; and if he shall make no such direction, then such Surveyor shall from time to time let any such allotment, reserving the right to get and take away such stone, gravel and other materials when and as he shall think fit, for the most money that can be obtained for the same, and shall apply the rents and profits towards the repairs of the public roads or highways within the said parish; and the said Surveyor shall account for such rents and profits in the same manner as he is by law accountable for other monies that shall come to his hands in the capacity of Surveyor of the Highways, and shall be subject to the like penalties for the neglect thereof.

72.  
Allotments  
for public  
purposes.

And be it Enacted, That the Valuer acting in the matter of any Inclosure shall and may, in pursuance of the directions of or in any manner not inconsistent with the directions of the provisional order of the Commissioners or any Act hereafter to be passed, or the instructions given to such Valuer as aforesaid, set out and allot such part of the Lands to be inclosed as by such provisional order or Act, or instructions respectively, shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood; and such allotment shall, unless the same shall be otherwise awarded under the provision hereinafter contained, be made and awarded to the Churchwardens and Overseers for the time being of the parish in which the same shall be situated, and shall be held by the Churchwardens and Overseers for the time being of the said parish for the purposes aforesaid, and shall be in the first instance fenced, and where occasion shall require, drained and levelled by the Valuer, the expense in such case to be considered part of the expenses of the Inclosure; or shall be fenced by any person to whom adjoining Land shall be allotted as the Valuer may direct; and the fences of such allotment shall for ever afterwards be repaired and maintained, and the surface thereof kept drained and level by such Churchwardens and Overseers, or by the Churchwardens and Overseers

seers of the several parishes interested therein, in such proportions and manner as shall be directed by the Valuer out of the rents to be received for the herbage of the said allotment, or out of the poor-rate of the said parish or respective parishes or otherwise; and the grass and herbage growing upon such allotment may be from time to time 5 let by the Churchwardens and Overseers, in whom the same shall be vested, and the rents which shall be received by them for the same shall be by them from time to time applied, in the first place, in maintaining and repairing the fences of the said allotment, and keeping the surface thereof drained and level as aforesaid, and subject thereto in 10 aid of the rates for the repair of the public highways in the said parish or respective parishes; and the Valuer shall in like manner set out and allot such part of the Land to be inclosed, as by such provisional order or Act, or instructions as aforesaid, shall have been directed to be appropriated as an allotment for the labouring poor, 15 unto the Churchwardens and Overseers of the poor of the parish in which such allotment shall be situate, subject nevertheless to a rent charge to be payable thereout to any person or persons who may be entitled to allotments under such Inclosure, as hereinafter provided; and the said Valuer shall in like manner, in pursuance of the direc- 20 tions of or in any manner not inconsistent with the directions of such provisional order or Act, or instructions as aforesaid, set out and allot for the other public purposes mentioned in such provisional order or Act, or instructions as aforesaid, such parts of the Land to be inclosed as shall have been thereby respectively directed to be set apart 25 for such purposes, and such allotments shall be made to such persons respectively, with such regulations and provisions as to the fencing, maintenance, use and enjoyment thereof respectively as the Valuer, with the approbation of the Commissioners, shall direct; and in every case in which the Valuer, with such approbation of the Com- 30 missioners, shall not think it necessary or proper to direct the same to be otherwise made, such allotments shall be made to the Churchwardens and Overseers of the poor for the time being of the parish in which such allotments shall be situate; and all allotments which shall be made to the Churchwardens and Overseers under this 35 Act, shall be held by the Churchwardens and Overseers of the poor for the time being in the same manner, and with the same legal powers and incidents, as if the same allotments were Lands belonging to the parish, but in trust, nevertheless, for the purposes for which the same shall be allotted, and subject as to the said allotment for the labour- 40 ing poor to the provisions in relation thereto hereinafter contained, and as to all other such allotments, subject to such directions for the maintenance, fencing, management and use thereof as the Valuer, with the approbation of the Commissioners, may think fit.

73.  
Provision for  
awarding al-  
lotments for  
exercise, &c.,

Provided always, and be it Enacted, That it shall be lawful for the Valuer, with the approbation of the Commissioners, to set out and allot

allot such Land as shall be appropriated as a place of exercise and recreation as aforesaid, to any person entitled to an allotment under the Inclosure, and who shall consent to receive the same in full, or in part of his allotment, and the person to whom the Land so to be appropriated shall be allotted, and all future owners thereof, shall, unless it shall be otherwise directed by the award, be subject to the obligation of maintaining the fences of such Land, and of preserving the surface thereof in good condition, and of permitting such Land to be at all times used for exercise and recreation by the inhabitants of the parish and neighbourhood, and, subject to such obligations, the herbage of such Land shall belong to the person to whom such Land shall be so allotted.

to individuals subject to the obligation of permitting it to be used.

And be it Enacted, That every allotment which shall be made and awarded for the labouring poor may be so awarded, subject to and chargeable with a clear rent-charge or clear rent-charges, not exceeding in the whole the net annual value of the allotment in its actual condition at the time of making the same; and every such rent-charge shall be deemed at the time of the confirmation of the award to be of the value of such number of imperial bushels, and decimal parts of an imperial bushel of wheat, barley and oats, as the same would have purchased at the average prices during the Seven Years ending on the Thursday next before Christmas-day One thousand eight hundred and Thirty-five, as the same were ascertained by the advertisement inserted in the London Gazette, under the provisions of the Act of the seventh year of King WILLIAM the Fourth, intituled, "An Act for the Commutation of Tithes in England and Wales," in case One-third part of such rent-charge had been invested in the purchase of wheat, One-third part thereof in the purchase of barley, and the remaining Third part thereof in the purchase of oats, and the respective quantities of wheat, barley and oats, so ascertained, shall be stated in the award; and every such rent-charge shall be paid by equal half-yearly payments on the First day of July and the First day of January, the first of such half-yearly payments to be made on the first of such half-yearly days after the expiration of Three Years from the date of the confirmation of such award; and such sum of money shall be payable in respect of such yearly rent-charge as, according to the prices ascertained by the then next preceding advertisement for the purposes of the said Act of the seventh year of King WILLIAM the Fourth, would have been payable in respect of a rent-charge of like amount charged on Lands under the provisions of such Act; and the sum of money thenceforth payable in respect of such rent-charge charged under the provisions of this Act, shall vary so as always to consist of the price of such number of bushels and decimal parts of a bushel of wheat, barley and oats respectively, according to the next preceding advertisement for the time being, in like manner as if the same had been a rent payable under the provisions of the said Act of the seventh year of King

74.

Allotments for the labouring poor may be made subject to a Corn rent-charge, to vary and be recoverable as a Tithe Rent-charge.

WILLIAM the Fourth, and the persons entitled to any rent-charge charged under the provisions of this Act, shall have the same powers and remedies for enforcing payment thereof in all respects as are by the said Act of the seventh year of King WILLIAM the Fourth, or by any Act for amending the same, given to the persons entitled to rent-charges charged under the said Act of the seventh year of King WILLIAM the Fourth, for recovering and enforcing payment of such last-mentioned rent-charges, and nothing herein or in such award contained shall render any person personally liable to the payment of any rent-charges to be charged under the provisions of this Act: Provided always, That when such allotment, or any part thereof, shall be let and occupied as gardens under the provisions hereinafter contained, the person for the time being entitled to the rent-charge charged thereon, shall not distrain for such rent-charge on the occupiers of such gardens; but the person so entitled may, in case such rent-charge shall be in arrear, give notice to the occupiers of such gardens, and to the Allotment Wardens, or any of them, and shall thenceforth, until the arrears of such rent-charge, with all expenses occasioned by the non-payment thereof, shall be fully paid, be entitled to receive all the rent which after such notice shall accrue in respect of such gardens, and shall have the same remedies for recovering such rent, and the same powers of determining the tenancy of such occupiers and of letting and dealing with such allotment, as such Allotment Wardens would have had in case such rent-charge had not been in arrear; and in case the said Allotment Wardens, or any of them, after such notice shall have been given to them as aforesaid, and before the arrears of such rent-charge, with all such expenses as aforesaid, shall have been fully paid, shall receive any rent from the occupiers of such gardens, such of the Allotment Wardens as shall have received such rent, shall on demand pay to the person then entitled thereto the arrears of the said rent-charge then remaining unpaid, and the expenses occasioned by the non-payment thereof; and in default of such payment on demand, such arrears of rent-charge and expenses may be recovered from the Allotment Wardens liable to pay the same as penalties are recoverable under this Act.

75.  
Allotment  
to Lord.

And be it Enacted, That after the several allotments hereinbefore directed shall have been set out and made, and after making provision for the payment of the expenses by sale of Land in case the expenses shall be so directed to be paid, the Valuer acting in the matter of any Inclosure shall allot and award unto the Lord of the Manor so much and such part of the Land proposed to be inclosed as shall in the judgment of the Valuer be equal (quantity and value considered) to such a part of the residue of such Land as shall be proportioned to his right or interest therein, according to the directions of the provisional order of the Commissioners, in lieu of his right and interest in

in the soil of the said Land, exclusive of any other allotments which may be made to such Lord in lieu of or in satisfaction for any other rights or interests in such Land to which he may be entitled, and which shall not have been included in the estimate in such provisional order of his right and interest, and in case it shall have been declared by such provisional order that the right or interest of the Lord has been estimated exclusively of his right or interest in the mines and minerals under the Land to be inclosed, then the Valuer shall and may, on the request in writing of the Lord, reserve or award to the Lord such rights and easements for searching for, working and carrying away such mines and minerals, subject to such provisions for compensation for damage to be done to the surface in the exercise of such rights and easements, as by the Valuer, with the approbation of the Commissioners, shall be thought reasonable, and as shall not be inconsistent as to the terms of such provisional order.

And be it Enacted, That after the several allotments hereinbefore directed shall have been set out and made, and after making provision for all or any part of the expenses of the Inclosure by sale of Lands in case all or any part of the expenses shall be so directed to be paid, the Valuer acting in the matter of the Inclosure shall divide, allot and award all the remainder of the Land to be inclosed unto and amongst the several persons who shall be interested therein, in such shares and proportions as he shall adjudge and determine to be proportionate to the value of their respective rights and interests which shall have been claimed and allowed under the provisions hereinbefore contained.

76.  
Allotment  
of residue.

And be it Enacted, That where any allotments shall be made for the labouring poor under the provisions hereinbefore contained, subject to any rent-charge or rent-charges, such rent-charge or rent-charges may be allotted to any person or persons who may elect to receive the same, in full or in part of his or their allotment or allotments, and in case no person shall so elect to receive the same, then to such persons and in such shares as the Valuer may think convenient for the purpose of equalizing allotments or otherwise; and it shall be lawful for the Valuer, for the purposes of allotment under this clause, to estimate the value in fee-simple of every such rent-charge to be Four-fifths only of the value of an allotment of land equal in net annual value to such rent-charge.

77.  
The Rent-  
charges pay-  
able out of  
Allotments for  
the labouring  
poor to be al-  
lotted to per-  
sons entitled  
under the  
Inclosure.

And be it Enacted, That when any person to whom any allotment shall be made, or Land assigned in exchange by virtue of this Act, shall hold such Land, or the Land in respect of which such allotment or exchange is made under different titles or for different estates, and as to copyhold or customary Land by separate quit-rents, the Valuer in the matter of the Inclosure shall ascertain and distinguish the Land held for each of such estates and under each of such titles respectively,

78.  
Separate  
Allotments  
to be made  
in respect of  
separate  
Titles.

and shall accordingly set out distinct and several allotments for such respective Lands, and distinguish the several estates holden by several and distinct quit-rents.

79.  
Several  
Allotments  
may by  
consent be  
laid together.

And be it Enacted, That in case any number of the persons interested in the Land to be inclosed shall desire to have their allotments thrown together, and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the Valuer acting in the Inclosure, such Valuer shall set out the several allotments of such persons so giving notice as aforesaid, by metes and bounds, but in one parcel of Land, and without requiring them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary, or as the Valuer may direct to be made for dividing the said parcel of Land from the residue of the Land so to be inclosed. 5 10

80.  
Cultivated  
Land and  
Buildings to  
be allotted to  
the Proprietor.

Provided always, and be it Enacted, That it shall not be lawful for the said Valuer to allot to any other person than the proprietor thereof any Land (other than encroachments and inclosures not authorized by law made within Twenty Years next before the First meeting for the examination of claims as aforesaid) which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any agreement between the proprietor thereof and the persons having right of Common over the same, without the consent in writing of such proprietor. 15 20

81.  
Regard to be  
had to the  
situation of  
Homesteads.

And be it Enacted, That the Valuer in making the several allotments hereby directed, shall have due regard as well to the situation of the respective houses or homesteads of the persons interested in the Land to be inclosed as to the quantity and quality of the Land to be allotted to them respectively, so far as may be consistent with the general convenience of such persons; and that such Valuer in making the said Allotments shall have particular regard to the convenience of the persons interested in respect of the smallest estates in the Land subject to be inclosed under this Act. 25 30

82.  
Allotments  
to be fenced.

And be it Enacted, That the several allotments to be made, except the allotments to the Surveyor and Churchwardens and Overseers respectively, and the other allotments for public purposes, shall be inclosed, ditched and fenced at the expense of the respective persons to whom the same shall be allotted, in such manner and within such times as the Valuer shall direct; and the fences so to be made shall for ever afterwards be repaired and maintained by such persons as the Valuer shall direct; and if from the situation, or from any other circumstance, it shall happen that any person to whom any allotment shall be made, shall not have a fair proportion of the boundary ditches or fences assigned to him to make, it shall be lawful for the Valuer, acting in the matter of any Inclosure, to ascertain and appoint 35 40

appoint what sum of money shall be contributed by such person towards making the boundary, ditches and fences of the allotments of such other persons as shall have assigned to them to make too great a proportion thereof; and such money shall be paid to such persons and in such manner as by the Valuer shall be directed, and the same may be recovered in the same manner as penalties or forfeitures are recoverable under this Act.

And be it Enacted, That if at any time before an allotment shall have been made by the Valuer, any person shall sell his right or interest in the Land to be inclosed or any part thereof to any person, the Valuer shall, upon such sale being certified to him in writing by the vendor, make an allotment of Land to the purchaser or to his heirs or assigns in respect of the right or interest so sold; and every such purchaser or his heirs or assigns shall from the confirmation of the award hold and enjoy the Land so to be allotted to him in such manner as the vendor might or ought to have done, in case such sale had not been made; and it shall be lawful for any person who shall be entitled to any allotment under this Act, to devise, convey, surrender or otherwise assure the same allotment or all or any part of his interest therein at any time before the confirmation of the award; and every such devise, conveyance, surrender and assurance shall be of the same validity as if the same had been made after the confirmation of the said award; and it shall be lawful for any person entitled to any allotment to sell, dispose of or convey the estate in right of which he may be entitled to such allotment, separate from and retaining to himself such allotment, or the right thereto; and the Valuer is hereby required to award such allotment accordingly.

83.  
Allotments  
may be made  
to purchasers.

And be it Enacted, That if any person interested in any Inclosure under this Act shall die before the same shall have been completed, the powers and authorities hereby vested in the Commissioners, Assistant Commissioner and Valuer shall not be thereby determined or suspended, but they shall proceed in the execution of such powers and authorities in such manner as they might have done in case such person had not died; and the allotment which might have been made to the person so dying shall be made to such person as by the law shall become entitled to the same, and shall be accepted and fenced by such party according to the directions contained in the award, and he shall be liable to the charges and expenses and other conditions of the Inclosure.

84.  
Allotments  
to be made  
to representa-  
tives of par-  
ties dying.

And be it Enacted, That it shall be lawful for the Valuer acting in the matter of any Inclosure, with the consent in writing of the person interested in any old inclosed Lands, or Lands holden in severalty, or otherwise not subject to be inclosed under the general provisions herein before contained, but within the parish in which the land to be inclosed, or some

85.  
Old Inclo-  
sures may be  
allotted with  
consent.

part thereof, shall be situate, or within some parish adjoining thereto; to order and direct such old inclosed Lands or other Lands as last aforesaid, to be considered as allottable and parcel of the Land to be inclosed; and such allowance shall be made to the person interested in such Lands on account of the situation or other beneficial circumstances thereof as the Valuer shall adjudge to be just and reasonable; and he shall allot and award unto the person so interested in such old inclosed Lands, or other Lands as aforesaid, so much and such part of the Land to be inclosed as he shall think reasonable and just. 5

86.  
Allotments to  
freemen and  
other classes  
of persons  
entitled to  
common  
rights.

And be it Enacted, That where the freemen or burgesses of any city or borough, or the householders or inhabitant householders of any town or place, or any class or description of such freemen, burgesses, householders or inhabitant householders, or any other persons as a class, shall be entitled to rights of common or other rights over the Lands to be inclosed, it shall be lawful for the Valuer to award in respect of such rights one or more allotment or allotments for the benefit of the class so entitled, to any Two or more trustees, who shall be nominated by the majority at such meeting as hereinafter mentioned, or in case Two or more trustees shall not be nominated at such meeting, then to such trustees as the Commissioners shall approve, with provisions for the appointment of new Trustees from time to time, or to the Churchwardens and Overseers of the Poor of the parish in which each allotment shall be situate, in trust for the parties entitled to the right in respect of which the allotment shall be made; and it shall be also lawful for the Valuer, having regard to such instructions, if any, as may have been resolved on at such meeting as hereafter mentioned, or to such instructions as shall be given by the Commissioners in this behalf, to direct in what manner and under what regulations such allotment shall be occupied or enjoyed by the persons from time to time entitled to the benefit thereof, and (in case the Valuer, having regard to such instructions, shall think fit) to give directions and powers for the letting of such allotment from year to year, or for any term of years, subject to such provisions and restrictions as the said Valuer, with the approbation of the Commissioners, shall think fit, and for the receipt of the money to arise from such letting, and for the application of such money for the benefit of the persons entitled to the benefit of the allotment, and to give all such directions and provisions for the fencing, draining and management of such allotment, as the Valuer may think expedient. 10 15 20 25 30 35 40

87.  
Power to sell  
such allot-  
ment.

Provided also, and be it Enacted, That it shall be lawful for the Valuer, with the approbation of the Commissioners, and of such meeting as hereinafter mentioned, to sell and dispose of the whole or any part of any allotment to which any such class of persons as aforesaid shall be entitled under this Act, and the allotment or any part

part thereof so sold shall be conveyed by the Commissioners as the purchaser shall direct, and the Commissioners shall sign a receipt for the purchase-money, which shall be a sufficient discharge for the same; and the purchase-money arising from the sale, or the surplus thereof, after payment thereof of any expenses to which the same shall be liable, shall, with the approbation of the Commissioners, be paid to any trustee or trustees upon trust for the investment thereof, with provisions for the appointment of new trustees from time to time, and for the application of the interest and annual produce of such investment to such purposes, for the benefit of the persons who would have been entitled to such allotment, or the part thereof so sold, in case the same had not been sold as the Commissioners shall approve, and by the final award in the matter of such Inclosure direct.

Provided also, and be it Enacted, That when the claim of any class of persons entitled as aforesaid, shall be allowed, the Valuer shall certify such allowance to the Commissioners, and the Commissioners shall call a meeting of such persons by advertisement, for the purpose of appointing trustees of the allotment to be made for their benefit, and for giving instructions to the Valuer concerning the enjoyment, occupation and management of such allotment, or for letting the same, and for the application of the money to arise from such letting, or in case such meeting shall think fit that such allotment, or any part thereof, shall be sold, for directing the sale thereof, and the investment of the money arising from such sale, and the application of the income thereof; and the Commissioners, having reference to the total number of such class (so far as the Valuer or the Commissioners may have ascertained the same), shall by such notice declare the number of persons who should be present at such meeting to give validity to the proceedings, and the decision of the majority of such meeting shall bind the minority and all absent parties: Provided always, That no meeting shall be effectual for the purpose aforesaid unless such a number of the said persons shall attend the same as shall be mentioned in that behalf in the advertisement calling such meeting; and if no effectual meeting shall be held for the purpose aforesaid, or being held, no instructions shall be resolved on by the majority present at such meeting, or in case the Commissioners shall deem such instructions unjust or unreasonable, the Commissioners may give such instructions to the Valuer in respect of the matters aforesaid as they shall think fit, provided that no sale of any such allotment, or any part thereof, shall be made, except in pursuance of a resolution of a meeting called as aforesaid; but a recital in the conveyance by the Commissioners upon any sale, that such sale was duly authorized, shall for all purposes of title be evidence that such sale was made in pursuance of the resolution of a meeting duly called as aforesaid.

88.

Meeting of persons entitled for giving instructions to Valuer.

89.  
Partitions  
may be made.

And be it Enacted, That where any persons interested in Land to be inclosed under this Act shall be so interested in undivided shares or as joint tenants, coparceners or tenants in common, it shall be lawful for the Valuer, upon the request in writing of any of the persons so interested in undivided shares, or as joint tenants, coparceners or tenants in common, to make partition of the Lands or allotments coming to such persons so interested, and to allot the same to such persons in severalty; and immediately after the said allotments shall be so made and declared, the same shall be holden and enjoyed by the persons to whom the same shall be allotted in severalty, subject to the same uses as such undivided share would have been subject to in case such partition had not been made; and every such partition shall be specified in the award, and shall be valid and effectual to all purposes. 5 10

90.  
Costs of Par-  
tition.

And be it Enacted, That all costs and expenses attending any partition to be made by virtue of this Act, shall be borne and defrayed by the several proprietors of, or persons interested in, the estates which shall be so parted, in such manner and proportions as the Valuer shall order; and in case of non-payment thereof, shall be recovered in the manner directed with respect to the recovery of penalties and forfeitures. 15 20

91.  
Exchanges.

And be it Enacted, That it shall be lawful for the Valuer to allot and award any Land to be inclosed in exchange for any other Land within the parish in which the Land to be inclosed shall be situate, or any adjoining parish; and it shall be lawful for the Valuer in exercise of this present power, to allot all or any part of the Land which would have been subject to be allotted under this Act for the purposes of exercise and recreation, or for the labouring poor, or for any other public purposes, to any person in exchange for other Land in the parish, or in any adjoining parish, which shall appear to the Valuer more suitable or convenient for the purposes of exercise and recreation, or for the labouring poor or for such other public purposes as aforesaid, and to allot such other Land for such purposes accordingly; and all Lands taken and allotted as aforesaid under this provision, although not situate in the parish in which the Land given in exchange for the same shall be situate, shall for the purposes of the provisions herein contained be deemed to be within such parish, and be managed and dealt with accordingly; provided that all exchanges under which Land shall be taken and allotted for public purposes as aforesaid shall be made with the consent of the person interested in the Land so taken, and that all other exchanges be made with the consent in writing of the persons interested in the Lands so exchanged, and every such exchange so to be made shall be valid and effectual to all purposes, and shall be specified and declared in the 25 30 35 40 the

the award : Provided also, That no exchange shall be made of any Land held in right of any church or chapel or other ecclesiastical benefice without the consent, testified in writing, of the Bishop of the diocese and the patron of such benefice : Provided also, That all  
 5 costs and expenses attending the making and completing of any such exchanges, except exchanges of Land taken for public purposes, shall be borne by the several parties making such exchanges, in such manner and in such proportions as the Valuer shall direct, and in case of non-payment thereof, shall be recovered in the manner directed  
 10 with respect to the recovery of penalties and forfeitures, and the expenses of the exchanges of Land taken for public purposes shall be considered part of the expenses of the Inclosure.

And be it Enacted, That nothing in this Act contained shall extend to revoke, make void or alter any will, settlement, uses or  
 15 trusts, or to prejudice any person having any right or claim of dower, jointure, annuity, portion, debt, charge, rent or incumbrance upon or affecting any of the Land to be inclosed, or which shall be exchanged or given in partition in pursuance of this Act ; but the Land allotted and the Land given in exchange or partition, shall  
 20 immediately after such allotment, exchange or partition, be and enure, and the several persons to whom the same shall be allotted or given in exchange or partition as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively to and for such and the same estates, uses, trusts, intents and purposes, and subject  
 25 to the same conditions, charges and incumbrances as the several Lands, rights or undivided shares thereof in respect whereof such allotments, exchanges and partitions shall have been made would have stood limited to and for, or been subject to, in case the same had not been allotted, exchanged or given in partition as aforesaid, and as if  
 30 this Act had not been made, save and except such leases and tenancies at rack-rents as shall become void by virtue of this Act, and any joint tenancy which may have been severed by partition as aforesaid, and such rights of common and other rights as are intended to be extinguished by the Inclosure, and subject nevertheless to all such  
 35 mortgages and sales as shall be made by authority of this Act.

92.  
 Wills and Settlements not to be affected.

And be it Enacted, That all such Land as shall be taken in exchange or on partition or be allotted by virtue of this Act, shall be held by the person to whom it shall be given in exchange or on partition or allotted, under the same tenures, rents, customs and services as the  
 40 Land in respect of which such Land shall have been given in exchange or on partition or allotted, would have been held in case no such exchange, partition or inclosure had been made ; and the Land taken in exchange or on partition or allotted in respect of freehold shall be deemed freehold, and the Land taken in exchange or on partition or

93.  
 Tenure of the Allotments.

allotted in respect of copyhold or customary Land, shall be deemed copyhold or customary Land, and shall be held of the Lord of the same Manor under the same rent and by the same customs and services as the copyhold or customary Land in respect of which it may have been taken in exchange or on partition or allotted was or ought to have been held, and shall pass in like manner as the copyhold or customary Land in respect whereof such exchanges, partitions or allotments shall be made, and as to copyhold or customary allotments without any new admittance in respect of the lands taken or allotted respectively; and the Land given in exchange or on partition or allotted in respect of leasehold Land, shall in like manner be deemed leasehold, and shall be held under the same rents and covenants as the Land in respect of which it may have been allotted was held; and the remainder or reversion thereof shall be vested in the same lessor respectively as the remainder or reversion of such other Land was vested before the exchange, partition or allotment, except where otherwise particularly directed by this Act.

94.  
Leases at  
Rack rent  
may be  
voided.

And be it Enacted, That immediately after the allotments herein directed to be made on any Inclosure shall have been marked and staked out, the Valuer acting in the matter of such Inclosure may direct the same to be entered upon by the persons respectively for whom the same shall be intended; and immediately after the Valuer shall so direct them to be entered upon, all leases, agreements and tenancies at rack-rent subsisting of any part of the Land to be inclosed, or which shall be exchanged in pursuance of this Act, or any common right thereon, shall, so far only as respects the Land to be divided and allotted or exchanged or common right, cease and be void at such time or times as the Valuer shall, by writing under his hand, direct or appoint, so as the respective lessors or landlords of such Land do, before or at the respective times at which such leases, agreements or tenancies shall be directed to cease, make and pay such satisfaction to the respective lessees or tenants for the loss which shall be sustained by the determination of such leases, agreements and tenancies respectively, so far as regards the Land or common right, the leases, agreements and tenancies whereof are hereby authorized to be determined as shall be mutually settled and agreed between them, or as the Valuer, being required by either of the parties, shall ascertain and direct; and the Valuer, being so required, is hereby empowered and directed, by writing under his hand, to apportion a reasonable and proportionable part, having regard to the season of the year, of the rent reserved on any such lease, agreement or tenancy for or in respect of the time which shall have elapsed between the last day on which any payment of the rent shall have become due and the determination of any such lease, agreement or tenancy, and such part of the rent shall be recoverable by such ways and means as may by law be used for the recovery

recovery of rent in arrear; and the Valuer is hereby empowered and directed, in every case where such Land or common right shall be held by virtue of any such lease, agreement or tenancy, together with other Lands or hereditaments, by one entire rent, by writing under his hand, to apportion and determine what part of such rent shall be deducted in respect of the Land or common right in such lease, agreement or tenancy comprised, as to which the same shall be determined as aforesaid, and from what time such deduction shall take place; and the rest of the rent reserved on any such lease, agreement or tenancy shall during the remainder of the term thereof be the rent of and for the residue of such Lands and hereditaments, and shall be payable and recoverable in like manner as the entire rent reserved by such lease, agreement or tenancy shall immediately before such apportionment be payable and recoverable; and the lessor or reversioner shall in respect of such apportioned rent, and in respect of the residue of such Lands and hereditaments, have the benefit and advantage of the provisos and conditions which would have been applicable to the entire rent, and to all the Lands and hereditaments comprised in such lease, agreement or tenancy in case such lease, agreement or tenancy had not been determined as to any part of such Land: Provided always, That no lease, agreement or tenancy shall be determined as aforesaid as to any house, cottage or other building, without Three calendar Months' previous notice, in writing, of such determination, under the hand of the Valuer, shall have been given to the lessee or tenant, or left at such house, cottage or building.

Provided always, and be it Enacted, That in every case all seigniories, royalties, franchises and manorial jurisdictions whatsoever, in or upon the Land to be inclosed under this Act, shall not be deemed to be compensated or extinguished, but shall be saved and excepted out of the operation of this Act, unless in and by the award it shall be declared, with the consent of the Lord or respective Lords interested therein, that such seigniories, franchises, royalties and jurisdictions shall be extinguished upon the proposed Inclosure.

Provided always, and be it Enacted, That in every case in which, under the provisions hereinafter contained, part of the Land subject to be inclosed under this Act shall be converted into and used as a regulated pasture, and the residue thereof shall be divided and allotted in severalty, it shall be lawful for the Valuer, having regard to the right of the Lord of the Manor, as the same shall have been ascertained and declared by the provisional order of the Commissioners and with the consent of the Lord of the Manor, and a majority in value of the other persons interested in the Lands proposed to be inclosed, to direct that the rights of the Lord of the Manor in and to the mines and minerals under such part of the Land as shall be converted into and used as a regulated pasture, shall be reserved to the Lord, and that the mines

491.

F 4

and

95.  
Seigniories  
not affected  
except with  
consent.

96.  
Minerals  
under  
regulated  
pastures may  
be reserved  
while mine-  
rals under  
Lands to be  
held in seve-  
ralty are  
relinquished.

and minerals under the residue to be divided and allotted in severalty, shall become the property of the owners of the respective allotments, and that the allotments be adjusted accordingly.

97.  
Right to Mi-  
nerals under  
Land in-  
closed, exist-  
ing distinct  
from the pro-  
perty in the  
surface, and  
not compen-  
sated upon  
inclosure, not  
affected.

Provided also, and be it Enacted, That in every case in which the right to the mines and minerals under any Land inclosed under this Act shall exist as property distinct and separate from the property in the surface, and shall not be compensated upon the Inclosure, the right and property in such mines and minerals, and all rights and easements auxiliary to or connected with the exercise or enjoyment of the right and property in such mines and minerals, shall be in nowise affected by the Inclosure; and in case any mines and minerals under any Land inclosed under this Act, or the right of searching for or getting the same shall have been leased or agreed to be leased to any person as property distinct and separate from the property in the surface, with or without powers over the surface of the Land auxiliary to the purposes of such lease, the rights of the lessee or tenant under such lease or agreement shall be in nowise affected by the Inclosure.

98.  
Trees to be  
allotted with  
the Land.

And be it Enacted, That the timber-trees and other trees and underwood standing and growing upon any Land to be inclosed shall be allotted and go along with the Land whereon they respectively stand, and shall be deemed the property of the several persons to whom the same Land shall be respectively allotted, such person paying to the owner of such trees and underwood such sums of money for the same, and at such time or times and place or places, as the Valuer shall by writing under his hand direct; but if the parties who are to make such respective payments shall neglect or refuse to make the same accordingly, then it shall be lawful to and for the respective parties who shall be entitled to have and receive such payments to enter on the said Lands, and cut down, take and carry away to their own use the said trees and underwood in respect of which the said payments were respectively to be made to them at any seasonable time or times within One Year next after such neglect or default, doing as little damage on the Land as may be.

99.  
Cattle not to  
be depastured  
on Roads.

And be it Enacted, That no person shall graze or keep any horse, beast, cattle, sheep or swine upon any of the roads or ways which the Valuer shall order to be set out, and which shall be fenced on both sides for the space of Seven Years next after the execution of the award; and every owner of Land to be inclosed, his servants and labourers, and also every peace officer and parish officer of the parish in which the Land shall be situate for the time being, is hereby empowered to take and impound any such horse, beast, cattle, sheep or swine which shall be found so grazing as aforesaid, as cattle damage feasant: Provided always, That nothing herein contained shall prevent the proprietors of the Land which shall next adjoin the private

private roads and ways from depasturing their cattle thereon, so far as the frontage of their respective Land extends.

And be it Enacted, That it shall be lawful for the Valuer acting in any Inclosure, at any time before the confirmation of the award,  
 5 with the approbation or by the direction of the Commissioners, to make any alterations which he may think right and expedient in the allotments or in the fences which he may have set out and ordered, or in the private roads he may have set out, or in any of the orders or directions relating thereto which he may have made in the matter of  
 10 such Inclosure ; and in case any person shall be injured by any such alteration on account of any expenses he may have incurred or otherwise, the Valuer shall ascertain and determine what recompense shall be made to him for such injury; and shall either pay the amount thereof out of the monies raised for the expense of the Inclosure, or  
 15 shall direct by whom and in what manner such recompense shall be made ; and in case of non-payment thereof, the same shall be recovered in the same manner as penalties and forfeitures are recoverable under this Act.

100.  
Alteration  
may be made  
in Allotments.

And be it Enacted, That the Valuer acting in the matter of any  
 20 Inclosure shall as soon as conveniently may be, after the division and allotment of the Land to be inclosed shall be completed, draw up a report in writing, with a map thereunto annexed, which shall specify all the claims allowed and all the allotments, exchanges and partitions made in the matter of such Inclosure, and all roads, ways and works set out or  
 25 directed to be made by the said Valuer ; and such report shall contain all such particulars in relation to such allotments, roads, ways and works as are by this Act directed, and all such other directions and determinations authorized by this Act, as the said Valuer shall think proper for the purposes of the Inclosure ; and the map to be annexed to such report  
 30 shall comprise and show the Land to be inclosed and the Lands exchanged, and also the Lands in respect of which any allotments of the Land inclosed shall have been made, and shall distinguish by proper references the allotments made in respect of the several Lands respectively, and such other particulars as the Commissioners shall by any  
 35 general or special instructions in relation to such report direct the Valuer to set forth therein ; and such report shall be signed by the Valuer, and shall, together with the map thereunto annexed, be sent to the Office of the Commissioners,

101.  
Report of the  
Valuer

And be it Enacted, That as soon as the report of the Valuer shall  
 40 have been sent to the Commissioners, they shall cause a copy of the same to be deposited at some convenient place within the parish in which the Land to be inclosed or some part thereof shall be situate, for the inspection of all persons interested in such Land ; and shall forthwith

102.  
Deposit of  
Report.

cause notice to be given where the said copy may be inspected ; and shall also in such notice appoint some convenient place, and such times as they shall think necessary (the first not earlier than Twenty-one Days from the first giving of such notice), for holding a meeting to hear objections to any allotment, direction, determination or matter in the report ; 5 and the Commissioners or some Assistant Commissioner at such meeting as aforesaid, shall hear and determine any objections which may be then and there made to any such allotment, direction, determination or matter by any person interested therein, or adjourn the further hearing thereof, if they or he shall think proper, to a future 10 meeting ; and may, if they or he shall see occasion, direct any further valuation or survey of the Land or any part thereof, and take such other measures for ascertaining the justice and propriety of the determinations and directions of the Valuer, as to the Commissioners or Assistant Commissioner shall seem proper ; and from time to time, if 15 they or he shall see occasion, fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed, with regard to the original meeting ; and when the said Commissioners or Assistant Commissioner shall have heard and determined 20 all such objections, and made such inquiries as the Commissioners shall think fit in relation thereto, the Commissioners shall approve such report, or cause the allotments, directions, determinations and matters therein mentioned, or any of them, to be amended as they shall see occasion. 25

103.  
Award.

And be it Enacted, That after such proceedings as aforesaid shall have been had, and all such objections to such report (if any) shall have been finally disposed of, and such amendments (if any) shall have been made in the allotments, directions and matters therein contained as aforesaid, the Valuer, under the direction of the Commis- 30 sioners, shall cause to be drawn up and engrossed on parchment the award in the matter of such Inclosure, which shall be signed by the Valuer, and shall describe the boundaries, if any, which shall have been ascertained and set out, under the provisions hereinbefore contained, and shall contain or set forth the report of the Valuer or the 35 allotments, exchanges, partitions, directions and matters contained in such report if so approved as aforesaid, or such allotments, exchanges, directions and matters therein contained as the same shall have been amended as aforesaid, and shall annex to such engrossment the map referred to by such report ; and the Commissioners shall confirm such 40 award, with the date of such confirmation thereunto annexed, under their hands and seal.

104.  
Award con-  
clusive.

And be it Enacted, That such confirmation as aforesaid shall be conclusive evidence that all the directions of this Act in relation to

to such award, and to every allotment, exchange, partition and matter therein set forth and contained, which ought to have been obeyed and performed previously to such confirmation, shall have been obeyed and performed; and no such award shall be impeached by  
 5 reason of any mistake or informality therein, or in any proceeding relating thereunto, or on account of any want of any notices or consents required by this Act, or on account of defects or omissions in any previous proceeding whatever in the matter of the Inclosure; and every allotment, exchange, partition, direction, matter and thing spe-  
 10 cified and set forth in such award as aforesaid, shall be binding and conclusive on all persons whomsoever.

And be it Enacted, That the several allotments which shall upon any Inclosure under this Act be allotted to the several persons who shall be entitled to the same, shall when so allotted be and be taken  
 15 to be in full bar of and satisfaction and compensation for their several and respective Lands, rights of Common, and all other rights and properties whatsoever, not excepted or reserved by this Act, or by the award in the matter of such Inclosure, which they respectively had or were entitled to in and over the said Lands immediately before such  
 20 Inclosure; and that from and immediately after the confirmation of the award by the Commissioners, or at such earlier time as the Valuer, with the approbation of the Commissioners, shall by notice on the church-door direct, all rights of Common, and all rights whatever by the Inclosure intended to be extinguished, belonging to or claimed by any  
 25 person whomsoever in or upon such Lands, shall cease, determine and be for ever extinguished.

105.  
Allotments to be in compensation of previous rights.

And be it Enacted, That the allotment which upon any Inclosure under this Act shall be made for the labouring poor, shall be under the management of the incumbent of the parish, or ecclesiastical  
 30 district, in which such allotment shall be situate (or the officiating minister for the time being nominated by the incumbent for that purpose), unless such incumbent or officiating minister shall object, the churchwarden, if there be but one, or (if there be more than one), one of the churchwardens for the time being  
 35 of such parish, and two other persons who shall be rated to the relief of the poor in such parish, and such churchwarden, where there is more than one churchwarden, shall be yearly named, and such two other persons shall be yearly chosen at the same time and by the same persons and in the same manner as the overseers  
 40 of the poor for such parish shall be chosen, and shall continue in office in like manner until the next election of overseers, or until others are named and chosen in their stead, and such incumbent (or officiating minister), churchwarden, and Two other persons for the time being, shall be styled "The Allotment Wardens" of the parish,

106.  
Allotment Wardens.

and shall manage and let the said allotment as hereinafter provided, and all things by this Act authorized to be done by such Allotment Wardens, may be done by any two of them, and in the event of the death or retirement from office of any one or more of the said Allotment Wardens, the surviving or continuing Wardens may act as if no such vacancy had happened. 5

107.  
Allotments  
how to be let.

And be it Enacted, That the Allotment Wardens shall from time to time let the allotment under their management in gardens, not exceeding half an acre each, to such poor inhabitants of the parish for one year, or from year to year, at such rents payable at such times and on such terms and conditions, not inconsistent with the provisions of this Act, as they shall think fit: Provided always, That the Commissioners may frame such regulations not inconsistent with the provisions of the Act for the letting of such allotments as aforesaid as they may think advisable, and such regulations shall be obligatory on the Allotment Wardens: Provided also, That the gardens so to be let shall be let free of all tithes or tithe rent-charge (if any), rates, taxes and assessments whatsoever, and shall, before the first letting thereof, and once at least in every Ten Years after such first letting, be valued by a competent person to be appointed by the Allotment Wardens for that purpose, who shall estimate the full rent which the same would be worth, to be let by the year for farming purposes, all tithes or tithe rent-charge, rates, taxes and assessments, being borne by the landlord, and shall verify such valuation by solemn declaration under the statute, and the rent at which the same gardens respectively shall be let, shall be not below the full yearly value of the land, according to the last of such valuations, and the Allotment Wardens shall, for the purposes of all rates and taxes, be deemed the occupiers of such allotment, and shall pay all rates and taxes, tithes and tithe rent charge (if any) in respect thereof. 10 15 20 25 30

108.  
Recovery of  
gardens on  
non-payment  
of Rent, &c.

And be it Enacted, That if the rent reserved upon the letting of any garden by the Allotment Wardens shall at any time be in arrear for Forty Days, or if at any time during the tenancy being not less than Three calendar Months after the commencement thereof, it shall appear to the Allotment Wardens, that the occupier of such garden shall not have duly observed the terms and conditions of his tenancy, or shall have gone to reside more than One Mile out of the parish, then and in every such case the Allotment Wardens shall serve a notice upon such occupier, or in case he shall have gone to reside out of the parish, shall affix the same to the door of the church of the parish, determining the tenancy at the expiration of One Month after such notice shall have been so served or affixed, and thereupon such tenancy shall be determined accordingly. 35 40

And

And be it Enacted, That in case, upon the determination of any such tenancy as aforesaid, the occupier of any such garden shall refuse to quit and deliver up possession thereof, or if any other person shall unlawfully enter upon, take or hold possession of any such garden,  
 5 or of any part of such allotment, the Allotment Wardens may recover possession according to the mode prescribed by an Act passed in the second year of the reign of Her Majesty Queen VICTORIA, intituled, "An Act to facilitate the recovery of Possession of Tenements after due Determination of the Tenancy," in such and the same manner as  
 10 if the said Wardens were landlords or a landlord, and as if such overholding occupier or other person were a tenant neglecting or refusing to quit and deliver up possession within the meaning of the last-mentioned Act.

109.  
 Possession,  
 how to be  
 recovered  
 from Tenant  
 holding over.

And be it Enacted, That all rents payable in respect of the allotment under the management of the Allotment Wardens shall be  
 15 payable to such Wardens, who shall have the same remedies for recovery thereof by distress and otherwise, as if the legal estate of and in such allotment were vested in them under this Act, and such rents shall be applicable, in the first place, to the payment of all rates, taxes,  
 20 tithes, tithe rent-charge, and of the rent-charge charged on such allotment under the provisions of this Act, and of all expenses incurred by the Allotment Wardens in the execution or their trusts and powers under this Act, and the residue, if any, of such rents shall be paid to the Overseers of the poor in aid of the poor-rates of the parish, and  
 25 be applicable in the same manner as and subject to all the provisions concerning the monies assessed for the relief of the poor.

110.  
 Rents of Al-  
 lotment how  
 to be applied.

Provided always, and be it Enacted, That when any award so confirmed as aforesaid shall not have distinguished the several tenures of any of the Lands therein mentioned, or the different estates or  
 30 titles for or under which the same shall be held, or shall have set out and awarded an aggregate allotment in any case in which there should have been set out and awarded several and distinct allotments, it shall be lawful for the Commissioners at any time within Two Years after the confirmation of the award, upon request in writing to  
 35 them made by any person interested in any such aggregate allotment, to do all such acts as may be necessary for supplying such omission, and for subdividing such aggregate allotment, and for that purpose to examine witnesses, and proceed as if the said award had not been confirmed; and by any order or instrument under their hands  
 40 and seal, to subdivide any aggregate allotment into separate allotments, and to distinguish and set out the allotments and Lands held by different tenures, and also the allotments and Lands held by, for

111.  
 Allotments  
 may be sub-  
 divided by  
 supplemental  
 order.

or under different estates or titles respectively, in the same manner as by this Act is authorized and required to be done in cases where such allotments and Lands are directed to be ascertained, distinguished and set out by the Valuer; and every such separate instrument shall have the same power and effect as if it were contained in the said award; and such instrument shall be engrossed and deposited with the award, and shall thenceforth be deemed to be part thereof to all intents and purposes; and all the expenses which shall be reasonably incurred in or about any such subsequent inquiry or separate instrument as aforesaid, and the engrossment thereof, shall be paid by the party who shall have requested the Commissioners to make and execute the same, or by his executors or administrators.

112.  
Regulated  
Pastures may  
be set out.

And be it Enacted, That it shall be lawful for the Commissioners on the application in writing of persons interested in any Land which shall be directed to be inclosed under this Act, whose interest shall exceed in value One-half of the whole interest in such Land (such application to be made at any time before the instructions to the Valuer shall have been delivered to him under the seal of the Commissioners as hereinbefore provided), to direct such Land or any part thereof to be converted into and used as a regulated pasture, to be stocked and depastured in common by the persons interested therein in proportion to their respective rights and interests, as the same shall be determined on the examination of claims; and in case part of such Land only shall be so directed to be stocked and depastured in common, the Valuer shall, subject to the instructions which shall be given to him under the provisions of this Act, ascertain and set out the part which shall be so used as a regulated pasture, and shall direct how and at whose expense the same shall be fenced and divided from the residue of such Land; and the Valuer acting in the matter of such Inclosure shall in every case where Land shall be so directed to be used as a regulated pasture, ascertain and allot the respective stints or rights of pasturage (specifying the respective numbers of the respective kinds of stock or animals to be admitted to the pasture in respect of such respective stints or rights of pasturage, with such option as to equivalent numbers of the respective kinds of stock and animals as he shall think just, and if he shall think fit, specifying the time during which such stock or animals may be kept on the pasture), as he shall adjudge and determine to be proportionate to the value of the respective rights and interests of the persons interested as aforesaid; and the Commissioners may frame such directions as they shall think fit for guiding the Valuer in the correct specification of such stints or rights: Provided always, That in every case in which part only of the Land subject to be inclosed under this Act shall be so directed to be used as a regulated pasture, and the residue thereof

to

to be divided and allotted in severalty, it shall be lawful for such Valuer, having regard to the convenience of the persons interested in such Land, to award to any such person either a stint or right of pasture, or an allotment in severalty only, or both a stint or right of pasture and an allotment in severalty, so as such stint or right only or such allotment only, or (as the case may be) such stint or right and allotment together, be in the judgment of the Valuer proportionate to the right and interest in respect of which the same shall be awarded : Provided also, That in any case in which it shall appear to the Valuer that the proportionate right or interest of any person is too small to be conveniently compensated by a stint or right of pasture, or that it is not practicable wholly to compensate such person by a stint or right of pasture, and the circumstances of the Inclosure will not admit, in the judgment of the Valuer, of an adjustment or compensation by an allotment in severalty, it shall be lawful for such Valuer, for the purpose of compensation or adjustment, to direct a sum of money to be paid to such person in lieu of or (as the case may require) in addition to the award of a right of pasture or stint ; and such sum of money shall be paid out of the monies applicable to the payment of the expenses of the Inclosure.

And be it Enacted, That all the provisions and powers hereinbefore contained in relation to public and private roads, ways and works, and all other the powers, provisions and directions, penalties and forfeitures applicable to the case of an Inclosure under this Act, and the provisions and directions concerning examination of claims, and the rehearing thereof, and the report of the Valuer, and the amendment of the matter thereof, and the award, and the confirmation and effect of the award shall be applicable to the case where the Land subject to be inclosed shall be directed to be used as a regulated pasture ; and the word " Inclosure " shall in every case in this Act, where the context is not repugnant to such construction, include the conversion of Land subject to be inclosed into such regulated pasture, and the proceedings in relation thereto.

113.  
Conversion  
into regulate  
Pasture to be  
deemed an  
Inclosure.

And be it Enacted, That in every case in which Land shall be directed to be converted into and used as regulated pasture under this Act, the Valuer acting in the matter of the Inclosure shall determine and direct the proportionate shares or aliquot parts which the respective owners, for the time being, of the several stints or rights of pasture shall be liable to pay of any sum of money which shall be raised by way of rate on such owners under the provisions of this Act ; and such determination and direction, in case the same shall be approved, or as the same may be amended by the Commissioners, shall be for ever after observed in every rate to be made under the provisions of this Act, and shall be the rule also, according to which

114.  
Rule of  
Rating to be  
established.

the proportionate values of the stints shall be determined in taking the votes of the owners of stints under the provisions hereinafter contained.

115.  
Property  
of Soil of  
regulated  
Pastures.

And be it Enacted, That the right of soil of and in all Land which shall be converted into regulated pastures, shall, subject to the right 5 of the Lord of the Manor to the mines and minerals where the same shall be reserved to him under this Act, and to the other rights given or reserved by this Act and the award in the matter of such Inclosure, be vested in the persons who, under the directions and determinations of such award, shall be the owners of the stints or rights of pasture 10 therein, in proportion to the shares or aliquot parts which such stints shall be thereby declared liable to of any rate under this Act as tenants in common.

116.  
Election of  
Field Reeves.

And be it Enacted, That where any Land shall have been converted into a regulated pasture under the provisions of this Act, a meeting 15 shall be called by the Commissioners of the owners of the stints or rights of pasture at such time after the confirmation of the award as the Commissioners shall, by notice on the church-door, appoint; and the major part in value of such owners present by themselves or their agent authorized in this behalf at such meeting shall 20 elect a fit person or persons to be field reeve or reeves of such regulated pasture, and every field reeve so to be elected as aforesaid, or to be elected or re-elected at any subsequent meeting, shall continue in office until the expiration of Fifteen Days after the day of the annual meeting of such owners then next following, and no 25 longer, unless he shall be re-elected at such annual meeting; and such owners shall ever after such first meeting meet for the election of a field reeve or field reeves on the First Monday in February in every year, and the owners assembled at such meetings shall from time to time fix, increase or diminish the salary or payment to be made to 30 every such field reeve, and may appoint or authorize any field reeve to appoint and employ herds and assistants as such owners may think fit; and any such field reeve may be removed by Four-fifths in value of the owners of stints present by themselves or their agents authorized in this behalf at any meeting called for the purpose 35 by Fourteen Days' notice on the church door, under the hands and seals of any Two Justices of the Peace; and in case any such field reeve shall die while he shall hold such office, or shall be removed as aforesaid, it shall be lawful for the majority in value of owners of stints or pastures present as aforesaid at any meeting, which upon such 40 vacancy any Two owners may call, by Fourteen Days' notice on the church-door, to appoint a field reeve in his place, who shall hold the office until the expiration of Fifteen Days after the then next annual meeting; and a certificate in writing, under the hands and seals of Two Justices

Justices of the Peace of the election of any field reeve (which certificate any Two Justices of the Peace are authorized, if they think fit, to give on the request and upon the declaration of any owner of such stints as the agent of any such owner present at the meeting at which the election shall have taken place), shall in all matters and proceedings whatsoever, in which any acts done by any field reeve in the execution of his office shall be in question, be evidence that he was duly appointed field reeve.

And be it Enacted, That the field reeve or reeves for the time being of every such regulated pasture shall, subject to such orders and instructions in writing as may from time to time be agreed on by the majority in value of the owners of such stints as aforesaid, at their yearly meetings, regulate the times in each year during which stock or animals shall be admitted to and excluded from such regulated pasture, and shall maintain and keep in order the fences, gates, ditches, drains, watercourses, embankments, jetties and weirs, or make any new fences, gates, ditches, drains, watercourses, embankments, jetties or weirs, and do all works necessary for the maintenance and improvement and good order of such regulated pasture; and shall and may distrain all stock and animals found thereon, contrary to the regulations of such pasture, and do all other acts for the maintenance and improvement of such regulated pasture, and the convenient use and occupation thereof, as the field reeve or reeves, subject to such instructions as aforesaid, may think fit; and where there shall be any buildings on such regulated pasture, or where the majority in value of the owners of stints at any yearly meeting shall direct that any buildings be erected thereon, such field reeve or reeves shall or may maintain and keep in repair such buildings, or cause such buildings to be erected in pursuance of such direction, and let the same from year to year, or under such instructions as aforesaid, for any term of years, and shall receive the rents thereof; and such rents shall be applicable in the first place to the same purposes as the rates hereinafter authorized to be raised on the owners of stints are made applicable, and the residue (if any) shall be paid to the owners of stints in proportion to the respective liability of their stints to such rates.

117.  
Duties of  
Field Reeves.

And be it Enacted, That when it shall appear to the majority in value of the owners of stints present at any annual meeting that the condition of the pasture would admit of an increase of the respective rights of pasture thereon, or would require a diminution of such respective rights, it shall be lawful for such majority of the owners so present to direct that the respective number of stock or animals to be admitted to the pasture in respect of the several rights be increased, or, as the case may be, diminished, rateably, to such extent as they shall think fit: Provided always, That in case it shall happen that the right of

118.  
Provision  
for rateable  
increase or  
diminution  
of rights.

any such owner shall not be sufficient to admit of a rateable increase or diminution, such annual money-payment shall be made to such owner in lieu of increase of his right, or, as the case may be, charged on such owner in lieu of the diminution of his right, as such majority shall award ; or in case the person to or on whom such money-payment shall be awarded or charged shall think the sum awarded insufficient, or the sum charged excessive, then as any Two Justices of the Peace shall, upon the complaint of such person, and after summons of the field reeve or one of the field reeves of such pasture, (which may be in the form in the Schedule to this Act), and on hearing in a summary way the matter in difference, think reasonable, and order to be paid, and such order may be in the form in the Schedule to this Act ; and every such money-payment payable in lieu of increase of right shall be paid annually by the field reeve out of the monies raised by the rate made for the expenses of such regulated pasture ; and the money charged on any such owner shall be recoverable as a rate on owners of stints is hereby made recoverable ; and all annual payments payable as aforesaid, shall be payable on the First Monday in February in every year.

119.  
Expenses to  
be raised by  
Rate.

And be it Enacted, That all salaries and allowances to field reeves and other persons and all expenses in and about the management of every such regulated pasture, and the repairs and erection of buildings thereon, under the directions of such meetings of owners as aforesaid, and all other expenses of such regulated pasture, shall be paid and defrayed by the owners of the respective stints therein ; and for that purpose it shall be lawful for the field reeve, or one of the field reeves, under the directions of any such meeting of owners, from time to time to make a rate on the respective owners for such sum as the majority of owners present at such meeting shall think requisite ; and every such rate shall be apportioned and paid by the owners according to the rule of rating established for such regulated pasture, and shall be paid to the field reeve on demand thereof ; and in case the same shall not be paid within Fourteen Days after demand thereof, shall be recoverable by distress ; and it shall be lawful for any field reeve to exclude from such regulated pasture the stock or animals of any owner or his tenant whose proportion of the rate shall be in arrear and unpaid for Fourteen Days after demand thereof, until the proportion of such rate so in arrear shall be fully paid ; and any such demand or distress may be made of or on the occupier of any such stint as if the occupier were the owner liable to the payment of such rate, and such rate may be paid by any such occupier on demand thereof, and the money so paid by such occupier shall be deemed a payment on account of his rent, and shall be allowed by his landlord accordingly.

120.  
Power to  
apply the Act  
to Pastures  
already  
stinted.

And be it Enacted, That where any Land shall be already occupied as a gated or stinted pasture, and any of the persons interested in such gated or stinted pasture, whose interests shall not be less in value than

than Two-thirds of the whole interest therein, shall be desirous that such gated or stinted pasture should be subject to the provisions of this Act concerning regulated pastures, without being subject to the other provisions concerning lands subject to be inclosed under this Act, and shall make application in writing to the Commissioners to take proceedings for that purpose, it shall be lawful for the Commissioners, after making such inquiries as may appear to them necessary, to cause to be ascertained by any Valuer to be appointed or approved by the Commissioners for that purpose, the proportionate rights and interests of the several persons interested in such pasture, and also the respective rights of pasture to which, having reference to the productiveness of such gated or stinted pasture, the several persons interested therein may, in the judgment of such Valuer, be entitled, and such Valuer shall determine and direct, as hereinbefore mentioned, the proportionate liability to rates under this Act, of the occupiers of stints or rights of pasture, and in like manner as in case of the conversion into regulated pasture of Land subject to be inclosed upon an Inclosure under this Act; and the Commissioners shall hear, or cause to be heard by an Assistant Commissioner any objections to the determinations of claims by and to the report of the Valuer respectively, and approve or amend such determinations and such report respectively as they shall think fit; and the Valuer, under the direction or with the approval of the Commissioners, shall frame and cause to be engrossed an award, setting forth such draft award and the matter of such report, and the Commissioners shall confirm the same, with the date of the confirmation under their hands and seal; and from and after the confirmation of such award, such gated and stinted pasture shall be subject to all the provisions herein contained concerning Land subject to be inclosed, converted into and used as regulated pasture, and shall be rateable under such provisions according to the rule of rating as set forth in such award, and such award shall be as binding and conclusive as if the same had been made and confirmed on an Inclosure under this Act.

And be it Enacted, That all the expenses of or attending the proceedings for subjecting Lands already used as gated or stinted pasture, to the provisions of this Act, concerning Lands subject to be inclosed, converted into or used as regulated pasture, shall be paid and borne by the persons interested therein, in proportion to their respective liabilities to rates under this Act, according to the rule of rating established in respect of such gated or stinted pasture under this Act; and shall be paid at such time and place, and to such persons as the Valuer, with the approbation of the Commissioners, signified by writing under their hands and seal, shall direct; and shall be recoverable in such and the same manner as the expenses of an Inclosure made in pursuance of this Act.

121.  
Expenses of  
application of  
Act to Pas-  
tures already  
stinted.

122.  
Power to  
enter Land  
for Surveys,  
&c.

And be it Enacted, That for surveying and valuing any Land to be inclosed or otherwise dealt with under this Act, and for the other purposes of this Act, it shall be lawful for the Commissioners or an Assistant Commissioner or Valuer, or any person or persons to be appointed by such Commissioners, Assistant Commissioner or Valuer, at any time after application has been made to the Commissioners to sanction an Inclosure, or to certify to the expediency of an Inclosure, as the case may be, to make any survey, admeasurement, plan or valuation with assistants and servants, and at any time or times whatsoever, until the Inclosure, or other proceedings under this Act shall be completed, to enter into, view and examine, survey or admeasure all and every part of the Land to be inclosed or dealt with, and to do or cause to be done any act or thing necessary for putting this Act into execution. 5 10

123.  
Expenses of  
Inclosures.

And be it Enacted, That the allowances and payments to be made to and by the Valuer, and all other the expenses of every Inclosure, except the allowances and salaries to the Commissioner who is to have a salary and to the Assistant Commissioners, Secretary, Clerks, Messengers and officers of the Commissioners, and the travelling and other expenses of the Commissioners and Assistant Commissioners, and except any expenses which the Commissioners or Assistant Commissioner, which shall have been audited and approved by the Commissioners, or any court under the powers of this Act shall order to be otherwise paid, shall be borne and defrayed by the several persons interested in the Lands to be inclosed (except the Surveyors of Highways, Churchwardens and Overseers and persons to whom Lands shall be allotted for public purposes, in respect of the allotments hereinbefore authorized or directed to be made to them respectively), in such shares and proportions, and shall be paid at such time and place, or respective times and places, and to such persons as the Valuer, with the approbation of the Commissioners, signified by writing under their hands and seal, shall direct; and such Valuer shall give notice requiring payment of the respective shares and proportions of such expenses on the church-door, or deliver to the respective persons liable to the payment of such expenses, at least Fourteen Days before the time appointed for such payment, a copy of such order; and the Valuer shall from time to time make estimates of all such expenses, and raise the amount of such estimates at such times as he shall, with such approbation of the Commissioners, deem proper, either before or after the confirmation of the award. 15 20 25 30 35 40

124.  
Remedies in  
case of non-  
payment of  
Expenses.

And be it Enacted, That if any person shall refuse or neglect to pay his proportion of such expenses within such time and to such person as the Valuer shall appoint, it shall be lawful for the Valuer to recover the same, together with lawful interest, to be computed from the day on

on which the same ought to have been paid, by action at law in his own name, in any of Her Majesty's Courts of Record at Westminster; or it shall be lawful for him by warrant directed to any person whomsoever, to cause the same, with such interest thereon as aforesaid, to be levied by distress, or it shall be lawful for the Valuer, or any person  
 5 authorized by him immediately after such neglect or refusal, to enter into and upon the premises so to be allotted to such person, and demise the same, or to demise any stint or right of pasture allotted to such person, and receive the rents and profits thereof respectively, until  
 10 thereby or otherwise such share or proportion, with lawful interest as aforesaid, and also all the costs and expenses attending such entry upon, and demise and receipt of the rents and profits of the said premises, shall be fully paid and satisfied.

Provided always, and be it Enacted, That if at any time after the  
 15 allotments shall have been staked out it shall appear to the Valuer, either before or after the confirmation of the award, that the money to arise by any previous rates will not be sufficient to defray the expenses aforesaid, the deficiency shall, with such approbation of the Commissioners as aforesaid, be made up and raised from time to time  
 20 by a rate to be made and levied upon the several persons interested in the Lands to be inclosed (except as aforesaid), in such shares and proportions, within such time, and to be paid to such persons as the Valuer shall from time to time direct; and in case any persons hereinbefore made subject to the payment of any money towards such  
 25 expenses shall neglect or refuse to pay his share or proportion of any such rate within the time appointed for that purpose, or at any time after such demand, the same shall be levied and recovered in the manner directed by this Act with respect to the previous rate.

125.  
Power to  
make addi-  
tional Rate.

And be it Enacted, That if any Valuer chosen or appointed to act  
 30 in the matter of any Inclosure or other matter under this Act shall, before his duties shall be fully performed, refuse to attend to or become by sickness or otherwise incapable to act in such matter, or by writing under his hand, desire to be discharged from the office of Valuer, or shall in the judgment of the Commissioners neglect his  
 35 duties, or misconduct himself in his office, or become or be found incompetent or unfit to act as a Valuer under this Act, it shall be lawful for the Commissioners, by order under their hands and seal, to remove him from the office of Valuer; and if any Valuer shall be so removed, or shall die, it shall be lawful for the Commissioners, by order under  
 40 their seal, to appoint a Valuer in his stead; and the Valuer so appointed shall have the same powers as if he had been chosen at a meeting of the persons interested in the Land in manner hereinbefore directed.

126.  
Commis-  
sioners may  
remove  
Valuers.

And be it Enacted, That no Valuer who shall have acted in the matter of any Inclosure shall be capable of being a purchaser of any Land within the parish in which the Lands to be inclosed, or any part

CLAUSE  
No. 1.  
Valuer not to  
purchase  
Lands in the  
Parish for

Seven Years  
after the  
Award.

thereof, shall be situate, until the expiration of Seven Years after the confirmation of the award in such Inclosure.

127.  
Repayment  
to Consoli-  
dated Fund.

And be it Enacted, That it shall be lawful for the Commissioners, having regard to the time and labour and expenses of the Assistant Commissioners, and all other persons, if any, specially employed and paid by the Commissioners in or about any Inclosure, exchange, division, partition or other proceeding under this Act, by any order under their hands and seal, to order and declare that a sum, in such order to be mentioned, be paid to the Commissioners in respect of the salary, allowance and expenses of the Assistant Commissioners and other persons, if any, so specially employed in or about such Inclosure, exchange, division, partition or other proceeding; and the Commissioners shall by such order declare such sum to be charged on the persons interested in the Land to be inclosed, or to which such proceeding shall relate, in such shares as they shall think just, and shall appoint a time for payment thereof; and the same shall be raised in the same manner as the expenses of the Inclosure, or of subjecting the Land to the provisions concerning regulated pasture, are directed to be raised under this Act, and be deemed part of the expenses of the Inclosure or matter aforesaid, or in the case of an exchange, division or partition, in the same manner as the expenses of such exchange, division or partition, and when raised shall be paid to the Commissioners, who shall forthwith pay the same into Her Majesty's Exchequer, to be carried to the account of the Consolidated Fund.

128.  
Persons  
attending  
Meetings to  
pay their own  
Expenses.

Provided always, and be it Enacted, That the several persons interested in the Inclosure or other proceeding under this Act, and their respective agents, shall pay their own expenses whenever they shall attend any of the meetings to be held in the matter of any Inclosure.

129.  
Expenses of  
Witnesses.

And be it Enacted, That the Commissioners or Assistant Commissioner acting in the matter of any Inclosure, or in any inquiry into the expediency or in expediency of any proposed Inclosure, where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, court-rolls and writings, maps, plans and surveys, or copies thereof, and all other expenses (except the salary or allowance to any Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection or matter whatever before the said Commissioners, or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively; or in the event of such suit, difference, objection or matter or in any such inquiry by or in such proportions as the Commissioners or Assistant Commissioner shall think fit and reasonable; and the Commissioners may, when they shall see occasion, require such security to be given by persons making application for any inquiry under this Act

Act for the payment by such persons of the expenses of or occasioned by such inquiry as the Commissioners may think fit.

And be it Enacted, That it shall be lawful for the respective persons interested in allotments in severalty, or allotments of stints or rights of  
 5 pasture respectively, to be made under this Act, being tenants for life or in tail, or for any other estate of freehold or inheritance, and also for the husbands, guardians, trustees, committees or attornes of any of the proprietors being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas,  
 10 or by the persons acting as such guardians, trustees, committees or attornies respectively, and for the trustees or feoffees for charitable, parochial or other uses, or the majority in number of them in respect of any Lands held by them in trust for any charitable, parochial or other uses (with the consent of the Commissioners testified in writing under their hands and seal), and for the incumbent  
 15 of any ecclesiastical benefice, with the consent in writing of the Bishop of the diocese, and of the patron of such benefice from time to time, to charge their respective allotments with any money not exceeding as to any allotment in severalty Five Pounds per acre, towards their  
 20 respective proportions of the Inclosure expenses, and for securing the repayment of such money with interest to mortgage or demise the said allotments unto or in trust for any person who shall advance any money for any term of years, but so that every such mortgage or demise be made with a condition to cease, or upon trust to be surrendered or  
 25 assigned when the money thereby to be secured, with all interest thereon, shall have been fully paid; and so that in every such mortgage or demise which shall be made by or on behalf of any person entitled to any such allotment for the term of his natural life, there be contained a covenant to pay and keep down the interest of the  
 30 money to be secured during his life, in such manner that no person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger arrear of interest than for Six Months previous to the time when the title of such person shall accrue or commence; and every Incumbent of a benefice by whom such mortgage or demise  
 35 shall be made shall keep down the interest on the money to be secured, or on so much thereof as shall remain owing, and shall repay in reduction of the principal One-thirtieth part of the money originally secured at the expiration of the term of One Year from the time of making such mortgage, and a like sum at the expiration of each  
 40 succeeding term of One Year, until the whole be repaid; and every such mortgage or demise shall be valid in the law for the purposes thereby intended; and every such mortgagee and his assigns shall have the like remedies in case of non-payment of the monies thereby secured, as in the case of other mortgages of the like nature.

130.  
Power to  
mortgage  
Allotments.

And be it Enacted, That it shall be lawful for the Commissioners on application made to them in writing by any of the proprietors of

131.  
Power to  
sell parts of  
Allotments.

allotments to be made by virtue of this Act, or by any of the husbands, guardians, trustees, committees or attornies of or for any of such proprietors being under coverture, infants, lunatics, idiots, or under any other disability or incapacity, or beyond the seas, or by the persons acting as such guardians, trustees, committees or attornies respectively, or by any of the said proprietors being tenants in tail, or for life or by any trustees or feoffees for charitable, parochial or other uses, or by the majority in number of them, or by any incumbent of an ecclesiastical benefice, in right of which an allotment may have been made, and the Bishop of the diocese and the patron of such benefice, direct a sale of any part of any such allotment for raising a sum of money sufficient to defray the proportionable part of the expenses which shall in such rates be charged upon such parties, and of the expenses of making and completing such sale: Provided always, That in all cases in which the money so raised by any such sale shall not be equal to the money which might be borrowed or charged on such allotment as aforesaid, it shall be lawful for the proprietor, or the person hereinbefore authorized to direct a sale on behalf of the proprietor, part of whose allotment shall be sold as aforesaid, to charge his allotment with any sum not exceeding the difference.

132.  
Sales of parts  
of Allotments  
how to be  
made.

And be it Enacted, That such sales shall be made by the Valuer, with the approbation of the Commissioners in the same manner and subject to the same regulations as are hereinafter prescribed in respect of the sale of part of the Land subject to be inclosed towards defraying the expenses of the Inclosure; and every part of an allotment for which the full purchase-money shall be paid, shall be conveyed by the Commissioners at the expense of the purchaser as he shall appoint, and shall be inclosed and held by such purchaser in severalty: Provided always, That nothing herein contained shall enable the Commissioners to convey any allotments set out by them as copyhold or customary as freehold, but such copyhold or customary allotments shall be held by the purchaser thereof by, under and subject to the same rents, suits and services as such allotment would have been held, in case no such sale had been made.

133.  
Commissioners to  
receive and  
apply Purchase-money.

And be it Enacted, That the receipt of the Commissioners shall be a sufficient discharge to the purchaser for the said purchase-money; and such purchase-money shall be applied by the Commissioners in or towards defraying the costs and expenses for raising which such sale shall have been made; and the surplus (if any) shall be paid to the parties from whose allotments such sale shall have been so made respectively; and the shares of such of them as shall be tenants in fee-simple shall be paid to them respectively, and the shares of the other proprietors of such surplus money shall be applied and disposed of in manner hereinafter directed.

And

And be it Enacted, That when any money is under the provisions of this Act directed to be paid for the purchase of any timber or wood growing on any Land, which shall belong to any tenant for life or in tail, or to any feoffee in trust, executor or administrator, husband, guardian, committee or trustee, for or on behalf of any infant, idiot, lunatic, feme covert or cestuique trust, or to any person whose Lands are limited in strict or other settlement, or to any person under any other disability or incapacity whatsoever, or to any corporation not being legally and equitably entitled to sell and dispose of such timber and wood, it shall be lawful for the Valuer out of such money to defray the proportion (if any) of the Inclosure expenses which shall be charged upon the Land, or any land held under the same title, on which such timber or wood actually grew, and also, with the approbation of the Commissioners, to defray the expense of any permanent improvement, such as building, subdividing, dividing, draining or planting, and the like, which shall in the judgment of the Valuer be proper to be made, and shall be made under his direction upon any Land to be under the powers of this Act allotted to such parties.

134.  
Application  
of Compensation-money  
of Parties under disabilities.

And be it Enacted, That if the surplus of any such monies or the surplus of any monies to arise from the sale of part of an allotment for raising money for expenses, where the same shall not be paid to the proprietors under the directions hereinbefore contained, shall amount to or exceed the sum of Two hundred Pounds, the same shall, with all convenient speed, unless the Commissioners shall otherwise direct, under the provisions hereinafter contained, be paid into the Bank of England, in the name and with the privity of the Accountant-general of the Court of Chancery, to be placed to his account there, exparte the Commissioners, pursuant to the method prescribed by an Act passed in the twelfth year of the reign of his late Majesty King GEORGE the First, intituled, "An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and the Endorsements thereon, as likewise the Endorsements on South Sea Bonds;" and pursuant to the general rules and orders of the said Court, and without fee or reward, according to an Act passed in the twelfth year of the reign of his late Majesty King GEORGE the Second, intituled, "An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies not exceeding a Sum therein limited out of the common and general Cash in the Bank of England, belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant-General of the said Court;" and shall, when so paid in, there remain until the same shall, by order of the said Court made upon a petition, in a summary way, by the parties who would have been entitled to the rents and profits

135.  
Investment of  
Surplus when  
200 l. or upwards.

profits of the said Land, be applied to the following purposes or any of them ; (that is to say)

The redemption or discharge of the Land Tax, or of any debt or other incumbrance affecting the same Land, or affecting other Lands standing settled therewith, to the same or the like uses or trusts ; 5

The purchase of other Land to be conveyed or settled upon the like uses or trusts, or such of them as shall be then existing, undetermined or capable of taking effect.

136.  
Payment of  
Dividends in  
the mean-  
while.

And be it Enacted, That in the mean time, and until such application shall be made, the said money may, by order of the said Court to be made upon the like petition, be invested by the said Accountant-General in his name, in the purchase of Three Pounds per Centum Consolidated, or Three Pounds per Centum Reduced Bank Annuities, or of Government Securities ; and the dividends or interest of such Annuities or Securities shall from time to time be paid by order of the said Court to the parties who would, for the time being, have been entitled to the rents and profits of the Lands so to be purchased, conveyed and settled. 10 15

137.  
Application  
of money  
under 200*l*.

And be it Enacted, That in case the surplus of any such monies as aforesaid shall be less than the sum of Two hundred Pounds, and shall exceed or amount to the sum of Twenty Pounds, the same shall, at the option of the parties who for the time being would have been entitled to the rents and profits of the said Land, or their Guardians or Committees in case of infancy, idiotcy, lunacy or other incapacity, with the approbation of the Commissioners, to be signified in writing under their seal, be paid into the Bank of England, in the name and with the privity of the said Accountant-general of the Court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same may be paid at the like option and with the like approbation to Two Trustees, to be nominated by the said parties who for the time being would have been entitled to the rents and profits of the said Land as aforesaid such nomination to be approved of by the Commissioners, and such nomination and approbation to be signified in writing under the hands (or common seal, as the case may be) of the nominating parties, and under the seal of the Commissioners ; and in any case in which such monies shall amount to or exceed the sum of Two hundred Pounds, the same if the Commissioners shall so think fit and direct, shall in like manner be paid to Trustees to be nominated and approved as aforesaid ; and the money so paid to such Trustees, and the dividends and produce arising therefrom, shall be by them applied in like manner as is hereinbefore directed, with respect to money so to be paid into the Bank of England, but without obtaining 20 25 30 35 40

ing or being required to obtain any order of the said Court touching the application thereof.

- And be it Enacted, That in case the surplus of any such monies as as aforesaid shall be less than Twenty Pounds, the same shall be paid to the parties for the time being entitled to the rents and profits of the said Land for their own use and benefit ; or in case of infancy, idiocy, lunacy or other incapacity, then such money shall be paid to their Guardians, Committees or Trustees for the use and benefit of the parties respectively entitled thereto.
- 10    Provided always, and be it Enacted, That in case the Valuer acting in the matter of any Inclosure shall under the instructions hereinbefore required in this behalf proceed to raise all or any part of the expenses of the Inclosure by sale of part of the Land proposed to be inclosed, such Valuer shall set out such parts of the Land to be inclosed as he shall judge sufficient in value to defray the expenses aforesaid, and shall from time to time, as he shall find expedient, sell and dispose of the same by public auction or by private contract, with the approbation of the Commissioners ; and the purchase-mones to arise by such sales shall be paid into the hands of the Commissioners, or as they shall direct, and shall be by them applied in discharging the said expenses.
138.  
Under 201.
139.  
Sale of Land  
by Valuer  
for Expenses.
- And be it Enacted, That upon every sale to be made by the Valuer under the provisions of this Act, the Commissioners shall sign and deliver to each purchaser a receipt for his purchase-money, which shall be a sufficient discharge for the same ; and upon receipt of the whole purchase-money for any of the Lands which shall be sold as aforesaid, the Commissioners shall convey such Lands and the fee-simple and inheritance thereof in possession, by conveyance under their hands and seal to such uses, and in such manner as such purchaser shall direct ; and after such conveyance, the premises conveyed shall be freehold of inheritance, and shall be held to the uses and in manner expressed by such conveyance ; and any such conveyance may be to the effect set forth in the Schedule to this Act, and shall be evidence of the regularity of the sale in pursuance of which such conveyance shall be made.
140.  
Conveyances  
to be made  
by Commis-  
sioners.
- 35    And be it Enacted, That all such purchase-mones as shall be from time to time raised or received by the Commissioners by such respective sales as aforesaid, shall, after payment of the charges and expenses attending such respective sales, be paid and applied by the Commissioners towards the expenses of the Inclosure ; and the respective purchasers or other persons paying the same, shall not in any manner be liable to see to the application, or be answerable for any misapplication thereof.
141.  
Application  
of purchase-  
monies.

142.  
Power to sell  
instead of  
allotting  
Land.

And be it Enacted, That when under such instructions as herein-  
before required in that behalf, the Valuer shall have been directed to  
sell the whole of any Land proposed to be inclosed under this Act,  
except the part thereof directed to be appropriated for public purposes,  
the Valuer shall and may sell and dispose of the whole of such Land, 5  
except as aforesaid; and such sale, and the conveyance thereof to the  
purchasers, shall be made in all respects in the same manner as here-  
inbefore directed with respect to the sale of part of the Land pro-  
posed to be inclosed for payment of expenses; and the Commis-  
sioners shall in like manner receive the purchase-money to arise from 10  
such sales, and their receipt shall in like manner be a sufficient dis-  
charge to the purchaser for the same; and the Commissioners shall  
invest such purchase-money, after payment thereof of the expenses  
of the sale and of the Inclosure in the name of any corporation as  
Trustees, or in the names of Three or more Trustees, to be named or 15  
approved by the Commissioners for that purpose, in the purchase of  
Three Pounds per Centum Consolidated Bank Annuities, or Three  
Pounds per Centum Reduced Bank Annuities, and shall in and by the  
award cause to be apportioned and declared the shares of and in such  
annuities to which the several persons interested in the Land from the 20  
sale whereof the same shall have arisen shall be entitled, and in respect  
of what Lands or Estates they shall be entitled, in such manner as here-  
inbefore directed in case of allotments of Lands by the Valuer, or as  
near thereto as circumstances will admit; and shall also direct and  
declare that the dividends accruing from time to time in respect of 25  
such annuities, or the respective shares thereof, shall be applicable  
and applied by the Trustees to the payment of quit-rents, land-tax, or  
any other rent, tax, rate or annual charge, charged or to become  
charged upon any Lands remaining unsold, in respect of which the  
persons so declared entitled shall have been respectively declared to 30  
be entitled to such shares; and the residue, if any, of the dividends in  
respect of such shares shall be payable in the same manner as the  
rents of such Land would from time to time be payable; and in case  
any person so declared entitled shall not be entitled in respect of any  
Land remaining unsold, the dividends in respect of the share of such 35  
person in such annuities shall belong to the persons who, for the time  
being, would have been entitled to the Land or right in respect of  
which such share of annuities shall have been allotted, in case the  
same had not been sold or extinguished; and such shares shall be  
considered in equity as real estate, and be transmissible accordingly: 40  
Provided always, That where it shall be shown to the satisfaction of the  
Trustees or Trustee for the time being of such annuities, that any  
person shall be entitled to or shall have acquired an absolute interest  
in any share thereof, such share may be transferred to such person,  
or as he may direct; and in such final award shall be contained such  
powers for the appointment of new Trustees from time to time, by  
such

such persons, and in such manner, and such directions for the indemnity and security of the Trustees, and for defraying out of the trust fund the expenses of the execution of the trust, as the Commissioners shall think fit.

- 5 And be it Enacted, That the Commissioners, before authorizing or certifying the expediency of any inclosure or determining any claim or matter, or approving any report or award, or in any other stage of the proceedings on any Inclosure, or of the proceedings for subjecting  
 10 any gated or stinted pasture to the provisions of this Act, concerning regulated pastures, if they shall see occasion, may require notice to be given in any such manner as they shall direct to the person next in remainder, reversion or expectancy of an estate of inheritance in any Lands, or to any other person to whom they may think notice ought to be given; and may by themselves, or by some Assistant  
 15 Commissioner, hear and determine any objection which may be made by the person so next in remainder, reversion or expectancy.

143.  
Notice may  
be given to  
reversioners.

- And be it Enacted, That Two copies of every confirmed award shall be made and sealed with the seal of the said Commissioners, and One such copy shall be deposited with the Clerk of the Peace of the  
 20 county in which the Lands inclosed shall be situate, who is hereby required to deposit and keep the same among the records of the said county, so that recourse may be had thereto by any person interested in the premises, and the other copy shall be deposited with the Church or Chapelwardens for the time being of the parish in which the Lands  
 25 or the greater part thereof shall be situated, to be kept by them and their successors in office, with the public books, writings and papers of the parish, or shall be deposited with such other fit persons as the Commissioners shall approve; and all persons interested therein may have access to and be furnished with copies of or extracts from any  
 30 such copy, on giving reasonable notice to the person having custody of the same, and on payment of Two Shillings and Sixpence for such inspection, and after the rate of Three-pence for every Seventy-two words contained in such copy or extract; and all such copies of and extracts from any such copy of any confirmed award, as  
 35 shall be furnished by the Clerk of the Peace, shall be signed by the said Clerk of the Peace or his deputy, purporting the same to be a true copy; and every such copy and extract so signed shall be received in evidence without further proof thereof; and every recital or statement in such confirmed award, or any sealed copy thereof, shall  
 40 be deemed satisfactory evidence of the matters therein recited or stated.

144.  
Copies of  
Award to be  
made and  
deposited.

And be it Enacted, That it shall be lawful for the Commissioners upon the application in writing of the persons interested, according to the definition hereinbefore contained, in Lands not subject to be

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13

inclosed

145.  
Exchanges  
may be made  
of Land not  
subject to  
be inclosed.

inclosed under this Act, or in Lands subject to be inclosed under this Act as to which no proceedings for an Inclosure shall be pending, and who shall desire to effect an exchange of Lands in which they respectively shall be so interested, to direct inquiries whether such proposed exchange would be beneficial to the owners of such respective Lands ; 5 and conducive to the more productive cultivation thereof respectively, and in case the Commissioners shall be of opinion that such exchange would be beneficial, and conducive to the more productive cultivation of the lands to be exchanged and that the terms of the proposed exchange are just and reasonable, they shall, unless notice of dissent to the 10 proposed exchange shall be given under the provision hereinafter contained, cause to be framed and confirmed, under the hands and seal of the Commissioners, an order of exchange, with a map or plan thereunto annexed, in which order shall be specified and shown the Lands given and taken in exchange by each person so interested 15 respectively, and a copy of such order, under the seal of the Commissioners, shall be delivered to each of the parties on whose application the exchange shall have been made ; and such order of exchange shall be good, valid and effectual in the law to all intents and purposes whatsoever, and shall be in nowise liable to be im- 20 peached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made ; and the Land taken upon every such exchange shall be and enure to, for and upon the same uses, trusts, intents and purposes, and subject to the same conditions, charges and incumbrances, as the Lands given on 25 such exchange would have stood limited or been subject to in case such order had not been made ; and all expenses with reference to such order and exchange, or the inquiries in relation thereto, or to any proposed exchange, shall be borne by the persons on whose application such order shall have been made, or such inquiries undertaken : Pro- 30 vided always, That no exchange shall be made of any land held in right of any church or chapel, or other ecclesiastical benefice, without the consent, testified in writing, of the Bishop of the diocese and the patron of such benefice.

146.  
Division of  
intermixed  
Lands,

And be it Enacted, That it shall be lawful for the Commissioners 35 upon the application in writing of any number of persons who shall be separately interested in parcels of Land not subject to be inclosed under this Act, or of Land subject to be inclosed under this Act as to which no proceedings for an Inclosure shall be pending, so inter- 40 mixed or divided into parcels of inconvenient form or quantity that the same cannot be cultivated or occupied to the best advantage, but forming together a tract which may be divided into convenient parcels, and who shall desire to have the whole of such tract divided into convenient parcels to be allotted in lieu of the old parcels, to direct an inquiry whether such proposed division and allotment

allotment would be beneficial to the owners of such Lands, and conducive to the more productive cultivation thereof; and in case the Commissioners shall be of opinion that the proposed division and allotment would be beneficial, and conducive to the more productive cultivation thereof, they shall, unless notice of dissent from the proposed division and allotment shall be given under the provisions hereinafter contained, cause to be framed an order for the division or allotment thereof accordingly, with a map or plan thereunto annexed, in which shall be specified as well the parcels which the several persons, on whose application such order shall have been made, were respectively interested in before such division and allotment, as the several parcels allotted to them respectively by such order, and such order shall be confirmed under the hands and seal of the Commissioners; and a copy of such order, sealed with the seal of the Commissioners, shall be delivered to each of the parties on whose application the division and allotment shall have been made, and such order of division shall be good in the law to all intents and purposes whatsoever, and shall in no wise be liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the parcels of Land taken by the persons interested under such division shall be and enure to, for and upon the same uses, trusts, intents and purposes, and subject to the same conditions, charges and incumbrances, as the several Lands which the persons taking the same shall have relinquished or lost on such division would have stood limited to, for or upon, or been subject to in case such order had not been made; and all expenses with reference to any such order, division and allotment, or the inquiries in relation thereto, or to any proposed division or allotment, shall be borne by the persons on whose application such order shall have been made or such inquiries undertaken.

And be it Enacted, That where, under the powers of any Inclosure Act, any allotment shall have been made in trust for the poor inhabitants of any parish, or of any class of such poor inhabitants, or in trust to be leased, used or enjoyed, to or by or upon any other trusts, for the benefit of such poor inhabitants, or for the purposes of exercise and recreation, or for any other public or parochial purpose, and it shall appear to the Commissioners that such allotment, by reason of its distance from the dwellings of such poor inhabitants, or from the nature or quality of the soil or otherwise, shall not be convenient or suitable for the purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the application, in writing, of the churchwardens and overseers of the poor of the parish in which such allotment shall be situate, and of the person interested in land more convenient or suitable for the purposes for which such allotment shall have been made, and who may be willing to give such land in

491.

I 4

exchange

147.  
Inconvenient  
allotments for  
the poor and  
public pur-  
poses may be  
exchanged for  
land more  
convenient.

exchange for such allotment, in case the Commissioners shall be of opinion that such exchange would be beneficial to the poor inhabitants or other persons for whose benefit, or more suitable to the purposes for which, such allotment was made, to cause to be framed and to confirm an order of exchange of such allotment for such other land as aforesaid ; and the provisions herein contained concerning exchanges shall apply to such allotment as if such churchwardens and overseers were the persons interested in such allotment. 5

148.  
CLAUSE (E.)  
Notices of ex-  
changes and  
divisions to  
be given.

Provided always, and be it Enacted, That no such order of exchange or order of division and allotment as aforesaid shall be confirmed by the Commissioners, until notice shall have been given by advertisement in Three successive Weeks of such proposed exchange or division and allotment, and Three calendar Months shall have elapsed from the publication of the last of such advertisements ; and in case before the expiration of such Three calendar Months any person entitled to any estate in or to any charge upon any land included in such proposed exchange or division and allotment, shall give notice in writing to the Commissioners of his dissent from such proposed exchange or division and allotment, as the case may be, the Commissioners shall not confirm an order for such exchange or such division or allotment, unless such dissent shall be withdrawn, or it shall be shown to the Commissioners that the estate or charge of the party so dissenting shall have ceased. 10 15 20

149.  
Expenses of  
Exchanges  
and Divisions.

And be it Enacted, That if any difference shall arise touching the said expenses in relation to any exchange, division, allotment, orders or inquiries as aforesaid, or the share thereof to be paid by any person, it shall be lawful for the Commissioners to certify under their hands and seal the amount to be paid by such person ; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any Two Justices of the Peace for the county or other jurisdiction wherein the Land shall be situate, such Justices upon the non-payment thereof are hereby required by warrant under their hands and seals to cause the same to be levied by distress. 25 30

150.  
Commis-  
sioners may  
remedy defects  
and omissions  
of awards  
under Local  
Acts of Inclo-  
sure, or under  
6 & 7 Will. 4,  
c. 115.

And be it Enacted, That where any award already made and executed, or hereafter to be made and executed in pursuance of any local Act of Inclosure, or in pursuance of an Act passed in the seventh year of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales," shall not have duly distinguished the several tenures of all the Lands thereby awarded or allotted, or of any other Lands of which the tenure ought to have been distinguished in or by such 35 40

such award, or the different estates or titles for or under which any Lands therein mentioned should be held, or shall not have duly distinguished the Lands which, after such award, should remain subject to all or any tithes, and the Lands which should be discharged from all or any tithes, or where by any such award an aggregate allotment shall have been set out and awarded in any case in which several and distinct allotments ought to have been set out and awarded, in every such case, and in every other case in which it shall appear to the Commissioners that injustice or inconvenience shall have arisen from inaccuracy, confusion or omission in any such award, it shall be lawful for the Commissioners, upon the application in writing of any person interested in the Lands to which such award may relate, or of any person prejudiced by the inaccuracy, confusion or omission in such award, to make such inquiries and take such evidence by themselves or by an Assistant Commissioner, as they shall think fit, and by an order under their hands and seal, to amend such award, and to distinguish the several tenures of the Lands thereby allotted and awarded, and the different estates or titles for or under which the same should be held, and to distinguish the Lands which should be discharged from all or any tithes, and the Lands which should remain subject to all or any tithes, and to subdivide aggregate allotments into separate allotments, and to distinguish the tenures or titles thereof, or the Lands or rights in respect of which they were respectively made, and generally to make or give such declarations or directions as may appear necessary to supply any omission and rectify any inaccuracy or confusion in such award ; and such order of the Commissioners shall have the same force and effect as if the allotments, directions and declarations therein contained had been duly made and contained in the original award in addition, or as the case may require, in substitution for the parts thereof to which such amendments may relate, and all expenses with reference to such order as last aforesaid, and of all inquiries in relation thereto, or to any proposed amendment of any such award, shall be borne by the persons on whose application such order shall be made or such inquiries undertaken.

And be it Enacted, That where under any Local Act of Inclosure, the powers and authorities originally vested in the Commissioner or Commissioners acting under any such Local Act, or any such power or authority shall not have been fully executed, according to the intent of such Local Act, and shall have been lost or become incapable of being executed by reason of the neglect or omission to execute the same, or to take some proceeding necessary to the due execution thereof within the time limited in that behalf by such Local Act, or from any other cause whatsoever, it shall be lawful for the Inclosure Commissioners for England and Wales, by any order under their hands and seal, to authorize the Commissioner or Commissioners appointed by or

151.  
Commis-  
sioners may  
revive powers  
under local  
Inclosure Acts  
lost by lapse  
of time or  
otherwise.

acting under the authority of such Local Act, to execute and to carry into effect the powers and authorities originally vested in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such Local Act, in the same manner as if such powers and authorities had not been lost or become incapable of being executed, or as near thereto as lapse of time and other circumstances may permit, and subject to such conditions and restrictions as the justice of the case may appear to require, and in and by such order to direct any act or proceeding to be done or taken in substitution for any act or proceeding which shall have been required or directed by such Local Act, and which shall have become incapable of being done or taken, by lapse of time or other circumstances ; and all proceedings, adjudications, orders, directions and acts taken, made and done by the Commissioner or Commissioners under any Local Act in pursuance of any such order as aforesaid of the Inclosure Commissioners for England and Wales, shall have the same force and effect as if the same had been duly authorized by such Local Act ; and the expenses of such order, and of the inquiries in relation thereto, shall be paid by the Commissioner or Commissioners acting under such Local Act, and shall be deemed expenses under the Inclosure by such Local Act authorized.

152.  
Commis-  
sioners may  
appoint per-  
son to com-  
plete proceed-  
ings in an  
imperfect  
Inclosure.

And be it Enacted, That where the powers and authorities of any Local Act of Inclosure shall not have been fully executed and performed, whether the same shall or shall not have been lost or have become incapable of being executed from lapse of time or otherwise, and there shall be no Commissioner acting under such Local Inclosure Act, or in case from any other cause any of the persons interested in the Land to which such Local Act shall relate, shall be desirous that the powers and authorities of such Act should be executed, and the proceedings thereunder completed under the direction of the Inclosure Commissioners for England and Wales, it shall be lawful for the said Commissioners, by order under their hands and seal, upon the application in writing of the major part in value of the persons interested in the Lands subject to be inclosed under such Local Act, to appoint any person to execute the powers or authorities of such Local Act, in the place of the Commissioner or Commissioners by such Act appointed or authorized to be appointed, and to complete the proceedings under the same ; and it shall be lawful for the said Inclosure Commissioners for England and Wales, by such order as aforesaid, or by any supplemental or other order, to authorize the person so appointed to execute and to carry into effect any powers or authorities originally vested in any Commissioner or Commissioners under such Local Act, and which may have been lost or become incapable of being executed, and to give such other directions in relation thereto as under the provision hereinbefore contained might have been given to the Commissioner

sioner or Commissioners appointed by or acting under a Local Act; and the person so appointed by the Commissioners shall and may complete the proceedings under such Local Act, and make an award therein, and shall have such and the like powers and authorities in all respects  
 5 as the Commissioner or Commissioners originally appointed by or acting under such Local Act would have had, if he or they had continued to act; and it shall be lawful for the Inclosure Commissioners for England and Wales, by order under their hands and seal, to remove any person so appointed, and upon such removal, or in case any person  
 10 so appointed shall die or desire to be discharged from his office, before the proceedings in such Inclosure shall be completed, from time to time to appoint any other person in his stead, with all such powers and authorities as aforesaid; and the expenses of such orders of the Commissioners, and of all proceedings in relation thereto, shall be  
 15 expenses in the Inclosure, and raised in the same manner as other expenses may by such Local Act be authorized to be raised.

Provided always, and be it Enacted, That the Commissioners shall not in any case proceed to amend any award under any local Act of Inclosure, or under the said Act of the seventh year of the reign of  
 20 King WILLIAM the Fourth, or to authorize the execution of any power or authority under any such local Act, which shall have been lost or become incapable of being executed as aforesaid, or to authorize any person to be by them appointed as aforesaid to execute the powers or authorities of any local Act in the place of the Commis-  
 25 sioner or Commissioners appointed under such local Act, until notice of the application to the Commissioners to amend such award, or to authorize the execution of such powers or authorities, or to authorize any person to be by them appointed as aforesaid, shall have been given by advertisement in Four successive Weeks; and in case, within  
 30 Two calendar Months after the publication of the last of such advertisements, One-fourth part in number or value of the persons interested, according to the definitions hereinbefore contained in the Land to which the award so proposed to be amended, or the part thereof proposed to be amended, shall relate, or in the land to be affected by  
 35 the exercise of such powers or authorities, shall give notice in writing to the Commissioners of their dissent from such application, the Commissioners shall not proceed further on such application.

And be it Enacted, That where, by any award or agreement expressed to be made under the authority of the said Act of the seventh  
 40 year of King WILLIAM the Fourth, intituled, "An Act for facilitating the Inclosure of Open and Arable Fields in England and Wales," any moors, commons or waste Lands or other Lands not subject to be inclosed under the provisions of such last-mentioned Act shall have

491.

K 2

been

153.  
 CLAUSE (F.)  
 Commis-  
 sioners to give  
 notice before  
 proceeding to  
 amend Awards  
 under local  
 Act.

154.  
 Commis-  
 sioners may  
 confirm  
 awards or  
 agreements  
 made under  
 supposed  
 authority of  
 6 & 7 Will. 4,  
 c. 115.

been inclosed or apportioned and allotted, and the Lands so inclosed or apportioned and allotted shall be within the definition of Lands subject to be inclosed under this Act, it shall be lawful for the Commissioners, upon the application of any person interested in any Land so inclosed or apportioned and allotted, to make such inquiries in relation to such award or agreement as the Commissioners shall think fit, and if it shall appear to the Commissioners that the rights and interests of all parties interested in the Lands expressed to be inclosed or apportioned and allotted by such award or agreement, shall have been duly provided for and compensated thereby, or might be duly provided for and compensated thereby, if such award or agreement were confirmed, or amended and confirmed as hereinafter mentioned, it shall be lawful for the Commissioners, by any order under their hands and seal, to confirm such award or agreement, or to amend the same, as the justice of the case and the rights and interests of the parties may appear to the Commissioners to require, and to confirm the same, with the amendments specified in such order, as the Commissioners shall think fit, and every award and agreement so confirmed shall, with the amendments, if any, which shall have been made by such order, have the same force and effect as a final award under the authority of this Act ; and all expenses with reference to such order as last aforesaid, and of all inquiries in relation thereto, or to any proposed confirmation of any such award or agreement, shall be borne by the persons interested in the lands by such award or agreement, inclosed or apportioned and allotted in such proportions as the Commissioners shall direct

**CLAUSE  
No. 2.**  
Power to  
reduce the  
number of  
Trustees  
under local  
Act where a  
sufficient  
number of  
Persons quali-  
fied cannot be  
found.

And be it Enacted, That where, under any local Act of Inclosure or under any award made under the authority of any local Act of Inclosure, provision shall have been made for the election from among persons having certain qualifications in respect of property or otherwise of a number of Trustees or other functionaries for making or maintaining works on the Lands inclosed, or for any other local functions, and it shall appear to the Commissioners that, by reason of alterations in the state of property or otherwise, persons cannot be found according to the qualifications required by such local Act of Inclosure to fill up the number of Trustees or other functionaries required by such local Act, it shall be lawful for the Commissioners, after such inquiries as they shall think fit, upon the request and at the expense of any persons interested in the works to be made or maintained, or in the functions to be performed by such Trustees or functionaries, by order under the seal of the Commissioners, to declare that any such lesser number in such order to be mentioned of Trustees or other functionaries may be from time to time elected for the purposes, or be competent to exercise and perform the powers and functions in such local Act of Inclosure, required or authorized to be exercised by the number of Trustees or other functionaries directed

directed to be elected by such local Act, and such lesser number shall be from time to time elected, and shall be competent to exercise and perform such powers and functions accordingly.

And be it Enacted, That all penalties and forfeitures imposed by this  
 5 Act, or which shall be imposed by the Commissioners or Assistant  
 Commissioner acting in the matter of any Inclosure or other proceeding  
 under or by virtue of the authority of this Act, shall be levied and  
 recovered before any Two Justices of the Peace for the county in  
 10 which the Land subject to be inclosed, or to which such other pro-  
 ceeding shall relate, shall be situate, and not interested in the  
 matter in question, for which purpose it shall be lawful for any  
 such Justice of the Peace upon complaint made to him to summon  
 the party accused, and the witnesses on both sides; and upon  
 15 the appearance or contempt of the party accused, to examine  
 such witnesses upon oath (which oath any such Justice is hereby  
 empowered to administer), and upon such evidence to give judgment  
 accordingly, and to condemn the party accused (proof of the accu-  
 sation being made by One or more witness or witnesses as aforesaid)  
 in such penalties and forfeitures as the offenders shall have incurred,  
 20 and to levy such penalties and forfeitures by distress, together with  
 reasonable costs; all which penalties and forfeitures, the application  
 whereof is not particularly directed by this Act, shall and so soon as  
 the same shall be levied, be paid and applied to and for such uses,  
 intents or purposes as the Commissioners in and by any writing under  
 25 their hands and seal shall order, direct or appoint.

155.  
 Penalties and  
 Forfeitures,  
 how reco-  
 verable.

And be it Enacted, That when in this Act any sum of money,  
 whether in the nature of penalty or otherwise, shall be directed to be  
 levied by distress, such sum of money shall be levied by distress and  
 sale of the goods and chattels of the party liable to pay the same; and  
 30 the surplus monies arising from such sale, after satisfying such sum  
 of money, and the costs and expenses attending the distress and sale,  
 shall, on demand, be rendered to the party whose goods and chattels  
 shall have been distrained.

156.  
 Distress, how  
 to be made.

And be it Enacted, That no distress levied by virtue of this Act  
 35 shall be deemed unlawful, nor shall any party making the same be  
 deemed a trespasser on account of any defect or want of form in the  
 warrant of distress or other proceeding relating thereto, nor shall  
 such party be deemed a trespasser, ab initio, on account of any  
 irregularity afterwards committed by him, but all persons aggrieved  
 by such defect or irregularity may recover full satisfaction for the  
 special damage in an action upon the case.

157.  
 Distress not  
 unlawful for  
 informality.

158.  
Notices, how  
given.

And be it Enacted, That all notices by this Act directed to be given by advertisement shall be given by an advertisement to be inserted in some newspaper or newspapers printed or usually circulated in the county in which the Land subject to be inclosed, or other Land to which such notice shall relate shall be situate, and all notices directed 5  
to be given on the church-door shall be by writing, under the hand of the party giving such notice, to be affixed on the principal outer door of the church of every parish and ecclesiastical district in which the Land subject to be inclosed or other land to which such notice shall relate, or any part thereof, shall be situate, on Sunday before Divine 10  
service, or where in any such parish or ecclesiastical district there shall be no church, then to be affixed in some conspicuous place of such parish or ecclesiastical district on Sunday, before Ten of the clock in the forenoon; and all notices necessary to be given by the Commissioners or any Assistant Commissioner or Valuer acting in the 15  
matter of any Inclosure (the mode of giving which is not hereby particularly directed) shall be by either or both of the methods aforesaid, as the Commissioners or Assistant Commissioner or Valuer respectively shall think fit; and all notices so given shall be deemed sufficient notices to all persons concerning all matters and things to 20  
which such respective notices shall relate.

159.  
Advertisements and  
Awards free  
of duty.

And be it Enacted, That no advertisement inserted by direction of the Commissioners or any Assistant Commissioner acting in the matter of any Inclosure, in the London Gazette or in any newspaper for the purpose of carrying into effect any provision of this Act, 25  
and no agreement, award, bond or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

160.  
Persons  
giving false  
evidence, &c.,  
to be guilty of  
a Misdemeanor.

And be it Enacted, That if any person under the provisions of this Act shall wilfully give false evidence, or shall make or subscribe a false declaration for the purposes of this Act, or shall wilfully refuse to 30  
attend, in obedience to any lawful summons of the Commissioners or an Assistant Commissioner or Valuer, or to give evidence, or shall wilfully alter, withhold, destroy or refuse to produce any book, court-roll or writing, map, plan or survey, or any copy of the same, which may be lawfully required to be produced before the Commissioners 35  
or Assistant Commissioner or Valuer, he shall be deemed guilty of a Misdemeanor.

161,  
Limitation of  
actions.

And be it Enacted, That no action or suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, or other person, for any thing done under the authority of this Act, until Twenty-one Days' notice thereof shall have 40  
been

been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after Three calendar Months shall have expired from the commission of the act for which such action or suit shall be so brought; and every such action shall be brought, laid and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was brought before Twenty-one Days' notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the Jury shall find a verdict for the defendant therein; or the Court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit or suffer a discontinuance of such action, or if upon any demurrer in such action or suit, judgment shall be given for the defendant therein, then such defendant shall have costs, charges and expenses as between attorney and client.

And be it Enacted, That no order, adjudication or proceeding made or had by or before the Commissioners or any Assistant Commissioner under the authority of this Act, except as hereinbefore provided, or any proceeding to be had, touching any offender against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process, into any of Her Majesty's Courts of Record at Westminster or elsewhere.

162.  
Proceedings  
not to be  
removed by  
certiorari.

And be it Enacted, That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the Queen's Majesty, and any body corporate, aggregate or sole, as well as an individual; any word importing the singular number only, shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; any word importing the masculine gender only, shall mean and include a female as well as a male; the word "Inclosure" shall extend to and include division or allotment, and the words "local Act of Inclosure" shall extend to and include any local Act of which inclosure, division or allotment of Lands shall have been one of the objects or purposes; the word "Manor" shall extend to and include any hundred, honour or lordship; the word

163.  
Interpreta-  
tion Clause.

“Land” shall mean and include all messuages, lands and corporeal tenements and hereditaments; the word “county” shall include any riding or other like division of a county, and any liberty, city or place having a separate commission of the peace; the word “parish” shall include any township or vill, or extra-parochial district or place; the word “church” shall mean and include any chapel where there is no church; the word “school-house” shall mean any parochial or charitable school-house; the words “the Commissioners” shall mean the Inclosure Commissioners for England and Wales; and the words “Assistant Commissioner” shall mean the Assistant Commissioner appointed by the Inclosure Commissioners. 5 10

164.  
Act to extend  
only to  
England and  
Wales.

And be it Enacted, That this Act shall extend only to England and Wales.

165.  
May be  
amended  
in present  
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session.

THE

## THE SCHEDULE

TO WHICH THIS ACT REFERS.

---

FORM of CONVEYANCE by Commissioners [in the matter of  
the Inclosure.]

WE, the Inclosure  
Commissioners for England and Wales, by virtue of an Act of Par-  
liament passed in the year of the reign of Queen  
VICTORIA, intituled [here insert the title of this Act], and in  
consideration of the sum of paid into  
our hands by being the purchase-money  
of the hereditaments hereinafter described, do by these presents  
convey unto his heirs and assigns, all that  
[here describe the premises], with the appurtenances; to hold the  
same unto the said his heirs and assigns  
[here state the uses, trusts or purposes of the conveyance, as the case  
may require.] In witness whereof we have hereunto affixed our seal  
this day of

---

### FORM of SUMMONS.

To of in the County  
of Field Reeve of

To wit. } I, Esquire, one of Her Majesty's  
Justices of the Peace in and for the said County of  
do hereby summon you personally to be and appear before  
such Two of Her Majesty's Justices of the Peace as shall be present at  
in the said County, on the day of  
next, at the hour of in the noon  
of the same day, to answer the complaint of A. B., that [he is refused  
reasonable compensation for diminution of his right of pasture in the  
regulated pasture in ], or [that the said A. B.  
is charged with an excessive payment for increase of his right of pasture  
in the regulated pasture of ], otherwise the  
complaint will be proceeded with as if you had appeared. Given  
under my hand and seal this day of  
in the year

---

FORM of ORDER.

To wit. } The Order of \_\_\_\_\_ and  
Esquires, Two of Her Majesty's Justices of the Peace in  
and for the said County, made at  
in the said County of \_\_\_\_\_ the  
day of \_\_\_\_\_ in the year \_\_\_\_\_

WHEREAS complaint hath been made to us by A. B.  
for that he [state the complaint as in the summons]. We do declare,  
that [the yearly sum of \_\_\_\_\_ is a reasonable  
compensation for the diminution of the right of pasture of the said  
A. B.] or [the yearly sum of \_\_\_\_\_ is a reasonable  
payment for increase of the right of pasture of the said A. B.] And  
do order that such yearly sum be paid according to the directions of  
the statute in that behalf. Given under our hands and seals this  
day of \_\_\_\_\_ in the year \_\_\_\_\_

---



*Commons Inclosure.*

A

B I L L

[AS AMENDED BY THE COMMITTEE, AND  
ON REPORT]

To facilitate the Inclosure and Improvement  
of Commons and Lands held in common ;  
the Exchange of Lands, and the Division  
of intermixed Lands ; to provide Remedies  
for defective or incomplete Executions, and  
for the Non-execution of the Powers of  
General and Local Inclosure Acts, and to  
provide for the Revival of such Powers in  
certain cases.

*(Prepared and brought in by  
The Earl of Lincoln and Lord Granville  
Somerset.)*

---

*Ordered, by The House of Commons, to be Printed,  
11 July 1845.*

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[*Price 11d.*]

491.

*Under 16 oz.*

## COMPANIES CLAUSES CONSOLIDATION; 1845.

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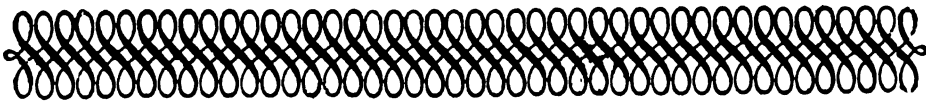
### ARRANGEMENT OF CLAUSES.

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Operation of the Act ; sect. 1.  
Interpretation ; 2 to 4.  
Clauses providing for the distribution of the Capital into Shares ; 5 to 12.  
Transfer of Shares ; 13 to 19.  
Payment of Subscriptions and enforcement of Calls ; 20 to 27.  
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Exercise of the Power to borrow Money, and Provision for enforcing the rights of the Loan Creditors ; 37 to 54.  
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6 February 1845.—8 VICT.



A

# B I L L

For consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature.

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

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**W**<sup>H</sup>~~HEREAS~~ it is expedient to comprise in one General Preamble. Act sundry Provisions relating to the constitution and management of Joint Stock Companies, usually introduced into Acts of Parliament authorizing the execution of Undertakings of a public nature by such Companies, and that as well for the purpose of avoiding the necessity of repeating such Provisions in each of the several Acts relating to such Undertakings, as for ensuring greater uniformity in the Provisions themselves;

May it therefore please Your MAJESTY,

- 10 That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT this Act shall extend only to such Companies as shall be incorporated or constituted by Acts of Parliament which shall hereafter be passed, and which shall declare that this Act shall be incorporated therewith; and all the enactments and provisions of this Act, save so far as they shall be in any case expressly varied or excepted by any such Act, shall apply to the Company which shall be incorporated or constituted by such
- 20 Act, and to the Undertaking for carrying on which such Company shall be incorporated or constituted, so far as the same shall be applicable thereto respectively; and such enactments and provisions,

1.  
Operation of  
the Act confined to future  
Companies.

as well as the enactments and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

2.  
Interpreta-  
tions in this  
Act.

AND with respect to the construction of this Act, and of other Acts to be incorporated therewith; BE it Enacted, as follows : 5

"The Special  
Act."

The expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, incorporating or constituting a Joint Stock Company for the carrying on of any Undertaking authorized thereby, and with which this Act shall be therein declared to be incorporated; and such expression shall extend to and include any Act which shall by such Special Act be 10

"Prescribed."

also declared to be incorporated therewith; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the Special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," 15

"The Under-  
taking."

the expression "prescribed for that purpose in the Special Act" had been used; and the expression, "the Undertaking" shall mean the Undertaking or Works, of whatever nature, which shall by the Special Act be authorized to be executed. 20

3.  
Interpreta-  
tions in this  
and the Spe-  
cial Act.

The following words and expressions both in this and the Special Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say) 25

Number.

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number :

Gender.

Words importing the masculine gender only shall include females :

"Lands."

The word "lands" shall extend to messuages, lands, tenements and hereditaments of any tenure : 30

Lease.

The word "lease" shall include an agreement for a lease :

"Month."

The word "Month" shall mean calendar Month :

"Superior  
Courts."

The expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster or Dublin : 35

"Oath."

The word "oath" shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath :

"County."

The word "county" shall include any riding or other like division of a county :

The

- The word "Justice" shall mean Justice of the Peace acting for the county, riding, city, division, liberty or other place, where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter : And where  
5 any matter shall be authorized or required to be done by Two Justices, the expression " Two Justices " shall be understood to mean Two or more Justices assembled and acting together in Petty Sessions : " Justice."  
" Two Jus-  
tices."
- The expression " the Company," shall mean the Company con-  
10 stituted by the Special Act : " The Com-  
pany."
- The expression " the directors," shall mean the directors of the Company, and shall include all persons having the direction of the Undertaking, whether under the name of directors, managers, committee of management, or under any other name : " Directors."
- 15 The word " shareholder " shall mean shareholder, proprietor or member of the Company ; and in referring to any such shareholder, expressions properly applicable to a person shall be held to apply to a corporation : and " Share-  
holder."
- 20 The expression " the secretary " shall mean the secretary of the Company, and shall include the word " clerk." " Secretary."
- And be it Enacted, That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression " The Companies Clauses Consolidation Act, 1845." 4.  
Short Title of  
the Act.
- AND with respect to the distribution of the Capital of the Com-  
25 pany into shares ; BE it Enacted, as follows:
- The capital of the Company shall be divided into shares of the prescribed number and amount ; and such shares shall be numbered in arithmetical progression, beginning with number one ; and every such share shall be distinguished by its appropriate number. 5.  
Capital to be  
divided into  
Shares.
- 30 All shares in the Undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate. 6.  
Shares to be  
Personal  
Estate.
- Every person who shall have subscribed or shall subscribe the prescribed sum or upwards to the capital of the Company, shall be deemed a shareholder of the Company, and shall be entitled to have  
35 One share therein allotted to him in respect of every sum of the prescribed amount so subscribed by him. 7.  
Share-  
holders.
- The Company shall keep a book, to be called the " Register of Shareholders ;" and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons, being shareholders 8.  
Registry  
of Share-  
holders.
4. A 2 of

of the Company, the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares ; and such book shall be authenticated by the common seal of the Company being affixed thereto ; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the Company, and so from time to time at each ordinary meeting of the Company. 5

9.  
Addresses of  
Shareholders.

In addition to the said Register of Shareholders, the Company shall provide a book, to be called the "Shareholders' Address-book," in which the Secretary shall from time to time enter the places of abode of the several shareholders of the Company, so far as the same shall be known to the Company ; and every shareholder, or if such shareholder be a corporation, the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof, or of any part thereof ; and for every Hundred words so required to be copied, the Company may demand a sum not exceeding *Sixpence*. 10 15

10.  
Certificates of  
Shares to be  
issued to the  
Shareholders.

On demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder ; and such certificate shall have the common seal of the Company affixed thereto ; and such certificate shall specify the share in the Undertaking to which such shareholder is entitled ; and the same may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect ; and for such certificate the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding *Two Shillings and Sixpence*. 20 25

11.  
Certificate to  
be Evidence.

The said certificate shall be admitted in all Courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors or assigns, to the share therein specified ; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof. 30

12.  
Certificate to  
be renewed  
when de-  
stroyed.

If any such certificate be worn out or damaged, then upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested ; or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the directors, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed ; and in either case a due entry of the substituted certificate shall be made by the secretary in the Register of Shareholders ; and for 35 40

for every such certificate so given or exchanged, the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding *Two Shillings and Sixpence*.

AND with respect to the transfer or transmission of shares; BE it  
5 Enacted, as follows :

Subject to the regulations herein or in the Special Act contained, every shareholder may sell and transfer all or any of his shares in the Undertaking, or all or any part of his interest in the capital stock of the Company, in case such shares shall, under the provision  
10 hereinafter contained, be consolidated into capital stock; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated; and such deed may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

13.  
Transfer of  
Shares to be  
by deed duly  
stamped.

The said deed of transfer (when duly executed) shall be delivered  
15 to the secretary, and be kept by him; and the secretary shall enter a memorial thereof in a book to be called the "Register of Transfers," and shall endorse such entry on the deed of transfer, and shall on demand deliver a new certificate to the purchaser; and for every such entry and endorsement and certificate the Company may demand  
20 any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding *Two Shillings and Sixpence*; and on the request of the purchaser of any share, an endorsement of such transfer shall be made on the certificate of such share, instead of a new certificate being granted; and such endorsement being signed  
25 by the secretary shall be considered in every respect the same as a new certificate; and until such transfer has been so delivered to the secretary as aforesaid the vendor of the share shall continue liable to the Company for any calls that may be made upon such share, and the purchaser of the share shall not be entitled to receive any share  
30 of the profits of the Undertaking, or to vote in respect of such share.

14.  
Transfers of  
Shares to be  
registered,  
&c.

No shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him.

15.  
Transfer not  
to be made  
until calls  
paid.

It shall be lawful for the directors to close the Register of  
35 Transfers for the prescribed period, or if no period be prescribed, then for a period not exceeding *Fourteen Days* previous to each ordinary meeting, and they may fix a day for the closing of the same, of which *Seven Days*' notice shall be given by advertisement in some news-  
40 paper as after mentioned; and any transfer made during the time when the transfer books are so closed, shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

16.  
Closing of  
Transfer-  
books.

17.  
Transmission  
of Shares by  
other means  
than transfer,  
to be authen-  
ticated by a  
Declaration.

If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this or the Special Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be made and signed by some credible person before a Justice, or before a Master or Master Extraordinary of the High Court of Chancery; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register of Shareholders; and for every such entry the Company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed, then not exceeding *Five Shillings*; and until such transmission has been so authenticated, no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Undertaking, nor to vote in respect of any such share as the holder thereof.

18.  
Proof of  
Transmission  
by Marriage,  
Will, &c.

If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid, the secretary shall make an entry of the declaration in the said Register of Transfers.

19.  
Company not  
bound to re-  
gard Trusts.

The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Company, or if it stands in the names of more parties than one, the receipt of the party first named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts; and the Company shall not be bound to see to the application of the money paid upon such receipt.

AND with respect to the payment of Subscriptions and the means of enforcing the payment of calls; BE it Enacted, as follows:

The

The several persons who have subscribed any money towards the Undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Company, at such times and places as shall be appointed by the Company; and with respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "Shareholder" shall extend to and include the legal personal representatives of such shareholder.

20.  
Subscriptions  
to be paid  
when called  
for.

It shall be lawful for the Company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that *Twenty-one* Days' notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be not made at less than the prescribed interval, if any, and that the aggregate amount of calls made in any one year do not exceed the prescribed amount, if any, and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time appointed by the Company.

21.  
Power to  
make calls.

If, before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment.

22.  
Interest to be  
paid on calls  
unpaid.

It shall be lawful for the Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the monies due upon their respective shares beyond the sums actually called for; and upon the principal monies so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest, for the time being, as the shareholder paying such sum in advance and the Company shall agree upon.

23.  
Power to  
allow Interest  
on payment of  
Subscriptions  
before call.

If, at the time appointed by the Company for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the Company to sue such shareholder for the amount thereof, in any court of law or equity having competent jurisdiction, and to recover the same, with lawful interest, from the day on which such call was payable.

24.  
Enforcement  
of calls by  
action.

In any action or suit to be brought by the Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is the holder of One share or more in the Company (stating the number of shares), and is in-

25.  
Declaration in  
action for  
calls.

debted to the Company in the sum of money to which the calls in arrear shall amount, in respect of One call or more upon One share or more (stating the number and amount of each of such calls), whereby an action hath accrued to the Company by virtue of this and the Special Act.

5

26.  
Matter to be  
proved in  
action for  
calls.

On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of One share or more in the Undertaking, and that such call was in fact made, and such notice thereof given as is directed by this or the Special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

27.  
Proof of Pro-  
prietorship.

The production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

28.  
Forfeiture of  
Shares for  
non-payment  
of calls.

AND with respect to the forfeiture of shares for non-payment of calls; BE it Enacted, as follows :

If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of *Two Months* from the day appointed for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the Company have sued for the amount of such call or not.

29.  
Notice of For-  
feiture to be  
given before  
Declaration  
thereof.

Before declaring any share forfeited, the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the Shareholders' Address Book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the directors, the directors shall give public notice of such intention in the London or Dublin Gazette, according

according as the Company's principal place of business shall be situate in England or Ireland, and also in some newspaper, as after mentioned ; and the several notices aforesaid shall be given *Twenty-one Days* at least before the directors shall make such declaration of forfeiture.

- 5 The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the Company, to be held after the expiration of *Two Months* at the least from the day on which such notice of intention to make such  
10 declaration of forfeiture shall have been given ; and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and, by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

30.  
Forfeiture to be confirmed by a General Meeting.

- 15 After such confirmation as aforesaid, it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract ; and if there be more than one such forfeited share, then either separately or together, as to them shall seem fit ; and any shareholder may purchase any forfeited share so sold.

31.  
Sale of forfeited Shares.

- 20 A declaration in writing, by some credible person not interested in the matter, made before any Justice, or before any Master or Master Extraordinary of the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore  
25 required, shall be sufficient evidence of the facts therein stated ; and such declaration, and the receipt of the Treasurer of the Company for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, dis-  
30 charged from all calls due prior to such purchase ; and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

32.  
Evidence as to forfeiture of Shares.

- 35 The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture ; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay  
40 all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

33.  
No more Shares to be sold than sufficient for payment of calls.

4.

B

If

34.  
On payment  
of calls before  
sale, for-  
feited Shares  
to revert.

If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

5

AND with respect to the remedies of Creditors of the Company against the Shareholders; BE it Enacted, as follows :

35.  
Execution  
against Share-  
holders to the  
extent of their  
Shares in  
Capital not  
paid up.

If any execution, either at law or in equity, shall have been issued against the property or effects of the Company, and if there cannot be found sufficient whereon to levy such execution, then such execution may be issued against any of the shareholders, to the extent of their shares respectively in the capital of the Company not then paid up: Provided always, That no such execution shall issue against any shareholder except upon an order of the court in which the action, suit or other proceeding shall have been brought or instituted, made upon motion in open court after sufficient notice in writing to the persons sought to be charged; and upon such motion such court may order execution to issue accordingly; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register of Shareholders without fee.

10

15

20

36.  
Reimburse-  
ment of such  
Shareholders.

If by means of any such execution, any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the Company.

25

AND with respect to the borrowing of Money by the Company on mortgage or bond; BE it Enacted, as follows :

37.  
Power to  
borrow  
Money.

If the Company be authorized by the Special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the Special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order of a general meeting of the Company, be authorized to be borrowed, not exceeding in the whole the sum prescribed by the Special Act, and for securing the repayment of the money so borrowed, with interest, to mortgage the Undertaking, and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned.

30

35

38.  
Power to  
re-borrow.

If after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the Company pay off the same,  
it

it

it shall be lawful for them again to borrow the amount so paid off, and so from time to time ; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the Company, unless the money be so re-borrowed in order to pay off any  
5 existing mortgage or bond.

Where by the Special Act the Company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such  
10 borrowing, the certificate of a Justice that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the Company authorizing the borrowing of any money, certified by *One* of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the  
15 capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made ; and upon production to any Justice of the books of the Company, and of such other evidence as he shall think sufficient, such Justice shall grant the certificate aforesaid.

39.  
Evidence of  
authority for  
borrowing.

20 Every mortgage and bond for securing money borrowed by the Company shall be by deed under the common seal of the Company, duly stamped, and wherein the consideration shall be truly stated ; and every such mortgage deed or bond may be according to the form in the Schedule (C.) or (D.) to this Act annexed, or to the like  
25 effect.

40.  
Mortgages  
and Bonds  
to be by Deed  
duly stamped.

The respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such  
30 mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another, by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

41.  
Rights of  
Mortgagees.

No such mortgage (although it should comprise future calls on  
35 the shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the purposes of the Company any calls to be made by the Company.

42.  
Application  
of calls, not-  
withstanding  
Mortgage.

The respective obligees in such bonds shall, proportionally, according to the amount of the monies secured thereby, be entitled to be paid out of the tolls or other property or effects of the Company,

43.  
Rights of  
Obligees.

the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another, by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

44.  
Register of  
Mortgages  
and Bonds.

A Register of Mortgages and Bonds shall be kept by the secretary, 5  
and within *Fourteen Days* after the date of any such mortgage or  
bond, an entry or memorial, specifying the number and date of such  
mortgage or bond, and the names of the parties thereto, with their  
proper additions, shall be made in such register; and such register  
may be perused at all reasonable times by any of the shareholders, 10  
or by any mortgagee or bond creditor of the Company, or by any  
person interested in any such mortgage or bond, without fee or  
reward.

45.  
Transfer of  
Mortgages  
and Bonds  
to be by Deed  
duly stamped.

Any party entitled to any such mortgage or bond may from time  
to time transfer his right and interest therein to any other person; 15  
and every such transfer shall be by deed duly stamped, wherein the  
consideration shall be truly stated, and every such transfer may be  
according to the form in the Schedule (E.) to this Act annexed, or  
to the like effect.

46.  
Transfers of  
Mortgages  
and Bonds  
to be regis-  
tered.

Within *Thirty Days* after the date of every such transfer, if executed 20  
within the United Kingdom, or otherwise within *Thirty Days* after  
the arrival thereof in the United Kingdom, it shall be produced to the  
secretary, and thereupon the secretary shall cause an entry or  
memorial thereof to be made in the same manner as in the case of  
the original mortgage; and after such entry, every such transfer shall 25  
entitle the transferee to the full benefit of the original mortgage or  
bond in all respects; and no party having made such transfer shall  
have power to make void, release or discharge the mortgage or bond  
so transferred, or any money thereby secured; and for such entry the  
Company may demand a sum not exceeding the prescribed sum, or 30  
where no sum shall be prescribed, the sum of *Two Shillings and*  
*Sixpence*; and until such entry, the Company shall not be in any  
manner responsible to the transferee in respect of such mortgage.

47.  
Payment of  
Interest on  
Monies  
borrowed.

The interest of the money borrowed upon any such mortgage or  
bond shall be paid at the periods appointed in such mortgage or bond, 35  
and if no period be appointed, half-yearly, to the several parties  
entitled thereto, and in preference to any dividends payable to the  
shareholders of the Company.

48.  
Transfers of  
Interest to be  
stamped.

The interest on any such mortgage or bond shall not be transferable,  
except by deed duly stamped.

The

The Company may, if they think proper, fix a period for the repayment of the principal money so borrowed; with the interest thereof, and in such case the Company shall cause such period to be inserted in the mortgage-deed or bond; and upon the expiration of such period, the principal sum, together with the arrears of interest thereon, shall be paid to the party entitled to such mortgage or bond.

49.  
Repayment of  
Money bor-  
rowed at a  
time fixed.

If no time be fixed in the mortgage deed or bond for the repayment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration or at any time after the expiration of *Twelve* Months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving *Six Months'* previous notice for that purpose; and in the like case the Company may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print or both, and if given by a mortgagee or bond creditor, shall be delivered to the secretary, or left at the principal office of the Company, and if given by the Company, shall be given either personally to such mortgagee or bond creditor, or left at his residence, or if such mortgagee or bond creditor be unknown to the Directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the London or Dublin Gazette, according as the principal office of the Company shall be in England or Ireland, and in some newspaper as after mentioned.

50.  
Repayment of  
Money bor-  
rowed where  
no time fixed.

If the Company shall have given notice of their intention to pay off any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Company shall fail to pay the principal and interest due at the expiration of such notice on such mortgage or bond.

51.  
Interest to  
cease on expi-  
ration of no-  
tice to pay off  
Mortgage or  
Bond.

Where by the special Act the Mortgagees of the Company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages by the appointment of a Receiver, then if within *Thirty Days* after the interest accruing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a Receiver, by an application to be made as hereinafter provided; and if within *Six Months* after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money,

52.  
Arrears of  
Interest, when  
to be enforced  
by appoint-  
ment of a  
Receiver.

Arrears of  
Principal and  
Interest.

together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the prescribed sum alone, or if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid shall, together with his, amount to the prescribed sum, require the appointment of a Receiver, by an application to be made as hereinafter provided. 5

53.  
Appointment  
of Receiver.

Every application for a Receiver in the cases aforesaid shall be made to Two Justices, and on any such application it shall be lawful for such Justices, by order in writing, after hearing the parties, 10 to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully 15 paid ; and upon such appointment being made, all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed ; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, 20 and on whose behalf such Receiver shall have been appointed ; and after such interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

54.  
Access to  
Account-  
books by  
Mortgagees.

At all reasonable times the books of account of the Company shall be open to the inspection of the respective mortgagees and bond 25 creditors thereof, with liberty to take extracts therefrom, without fee or reward.

AND with respect to the conversion of the borrowed money into Capital ; BE it Enacted, as follows :

55.  
Power to  
convert Loan  
into Capital.

It shall be lawful for the Company, if they think fit, unless it be 30 otherwise provided by the Special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the Company instead of borrowing the same ; or, having borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof, by creating new shares ; but no such 35 augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the Company.

56.  
New Shares  
to be con-  
sidered same  
as original  
Shares.

The capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the pay- 40 ment of calls, or the forfeiture of shares on nonpayment of calls, or otherwise, as if it had been part of the original capital, except as to the

the times of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the Company from time to time to fix as they shall think fit.

5 If at the time of any such augmentation of capital taking place by the creation of new shares, the then existing shares be at a premium, or of greater actual value than the nominal value thereof, then, unless it be otherwise provided by the Special Act, the sum so to be raised shall be divided into shares of such amount as will conveniently allow  
10 to the existing shares held by them respectively; and such new shares shall be offered to the then shareholders in the proportion aforesaid; and such offer shall be made by letter, under the hand of the secretary, given to or sent by post, addressed to each shareholder, according to his address in the shareholders' address book, or left at  
15 his usual or last place of abode.

57.  
If old Shares at Premium, new Shares to be offered to original Shareholders.

The said new shares shall vest in and belong to the shareholders, who shall accept the same, and pay the value thereof to the Company at the time and by the instalments which shall be fixed by the Company; and if any shareholder fail, for *One Month* after such  
20 offer of new shares, to accept the same and pay the instalments called for in respect thereof, it shall be lawful for the Company to dispose of such shares in such manner as they shall deem most for the advantage of the Company.

58.  
Shares to vest in the parties accepting; otherwise to be disposed of by the Directors.

If at the time of such augmentation of capital taking place, the  
25 existing shares be not at a premium, then such new shares may be of such amount, and may be issued in such manner, and on such terms, as the Company shall think fit.

59.  
If not at a Premium, to be issued as Company think fit.

AND with respect to the consolidation of the shares into Stock; BE it Enacted, as follows:

30 It shall be lawful for the Company, from time to time, with the consent of *Three-fifths* of the votes of the shareholders present, in person or by proxy, at any general meeting of the Company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of  
35 the Company, and in respect whereof the whole money subscribed shall have been paid up, into a general capital stock, to be divided amongst the shareholders, according to their respective interests therein.

60.  
Power to consolidate Shares into Stock.

40 After such conversion or consolidation shall have taken place, all the provisions contained in this or the Special Act which require or imply that the capital of the Company shall be divided into shares of any fixed amount, and distinguished by numbers, shall, as to so

61.  
Proprietors of Stock may transfer the same.

much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect, and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner and subject to the same regulations and provisions as or according to which any shares in the capital of the Company might be transferred under the provisions of this or the Special Act; and the Company shall cause an entry to be made in some book, to be kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, a sum not exceeding *Two Shillings and Sixpence*. 5 10

62.  
Register of  
Stock.

The Company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock;" and such book shall be accessible at all seasonable times to the several holders of shares or stock in the Undertaking. 15

63.  
Proprietors of  
Stock entitled  
to Dividends.

The several holders of such stock shall be entitled to participate in the dividends and profits of the Company; according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively. 20 25 30

64.  
Application of  
Capital.

And be it Enacted, That all the money raised by the Company, whether by subscriptions of the shareholders or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the Special Act, and all expenses incident thereto; and secondly, in carrying the purposes of the Company into execution. 35

65.  
Ordinary  
Meetings to  
be held half-  
yearly.

AND with respect to the General Meetings of the Company, and the exercise of the right of voting by the shareholders; BE it Enacted, as follows :

The first general meeting of the shareholders of the Company shall be held within the prescribed time, or if no time be prescribed, within *One Month* after the passing of the Special Act, and the future general 40

general meetings shall be held at the prescribed periods, and if no periods be prescribed, in the months of February and August in each year, or at such other stated periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so  
 5 appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any; and if no place be prescribed, then at some place to be appointed by the directors.

No matters, except such as are appointed by this or the Special Act  
 10 to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

66.  
 Business at  
 Ordinary  
 Meetings.

Every general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting;" and such  
 15 meetings may be convened by the directors at such times as they think fit.

67.  
 Extraordi-  
 nary Meet-  
 ings.

No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

68.  
 Business at  
 extraordi-  
 nary Meet-  
 ings.

It shall be lawful for the prescribed number of shareholders,  
 20 holding in the aggregate shares to the prescribed amount, or where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for *Twenty* or more shareholders, holding in the aggregate not less than *One-tenth* of the capital of the Company, by writing under their hands, at any time to require  
 25 the directors to call an extraordinary meeting of the Company; and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the Company, or given to at least *Three* directors, or left at their last or usual places of abode; and forthwith, upon the receipt of such requisition, the directors shall  
 30 convene a meeting of the shareholders; and if, for *Twenty-one* Days after such notice, the directors fail to call such meeting, the prescribed number or such other number as aforesaid of shareholders, qualified as aforesaid, may call such meeting by giving *Fourteen* Days' public notice thereof.

69.  
 Extraordi-  
 nary Meetings  
 convened by  
 Shareholders.

*Ten* Days' public notice at the least of all meetings, whether ordi-  
 35 nary or extraordinary, shall be given by advertisement, which shall specify the place, the day, and the hour of meeting; and every notice of an extraordinary meeting, or of an ordinary meeting, if any other business than the business hereby or by the Special Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called.

70.  
 Notice of  
 Meetings.

71.  
Quorum for a  
General  
Meeting.

In order to constitute a meeting (whether ordinary or extraordinary) there shall be present, either personally or by proxy, the prescribed quorum; and if no quorum be prescribed, then shareholders holding in the aggregate not less than *One-twentieth* of the capital of the Company, and being in number not less than one for every *Five hundred Pounds* of such required proportion of capital, unless such number would be more than *Twenty*; in which case *Twenty* shareholders, holding not less than *One-twentieth* of the capital of the Company, shall be the quorum; and if within *One Hour* from the time appointed for such meeting the said quorum be not present, no business shall be transacted at the meeting, other than the declaring of a dividend in case that shall be one of the objects of the meeting, but such meeting shall, except in the case of a meeting for the election of directors hereinafter mentioned, be held to be adjourned sine die.

72.  
Chairman at  
General  
Meetings.

At every meeting of the Company one or other of the following persons shall preside as chairman; that is to say, the chairman of the directors, or, in his absence, the deputy chairman (if any), or in the absence of the chairman and deputy chairman, some one of the directors of the Company, to be chosen for that purpose by the meeting; or, in the absence of the chairman and deputy chairman and of all the directors, any shareholder to be chosen for that purpose by a majority of the shareholders present at such meeting.

73.  
Business at  
Meetings and  
adjourn-  
ments.

The shareholders present at any such meeting shall proceed in the execution of the powers of the Company with respect to the matters for which such meeting shall have been convened, and those only and every such meeting may be adjourned from time to time and from place to place, and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

74.  
Votes of  
Shareholders.

At all general meetings of the Company every shareholder shall be entitled to vote according to the prescribed scale of voting, and where no scale shall be prescribed, every shareholder shall have One Vote for every share up to *Ten*, and he shall have an additional vote for every *Five* shares beyond the first *Ten* shares held by him up to *One hundred*, and an additional vote for every *Ten* shares held by him beyond the first Hundred shares: Provided always, That no shareholder shall be entitled to vote at any meeting, unless he shall have paid all the calls then due upon the shares held by him.

75.  
Manner of  
voting.

The votes may be given either personally or by proxies, being shareholders, authorized by writing, according to the form in the  
Schedule

Schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote not only as a principal and proxy, but to have a casting vote, if there be an equality of votes.

No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the Company the prescribed period, or if no period be prescribed, not less than *Forty-eight* Hours before the time appointed for holding the meeting at which such proxy is to be used.

76.  
Regulations  
as to Proxies.

If several persons be jointly entitled to a share, the person whose name stands first in the Register of Shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

77.  
Votes of Joint  
Shareholders.

If any shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee; and if any shareholder be a minor, he may vote by his guardian, or any One of his guardians; and every such vote may be given either in person or by proxy.

78.  
Votes of  
Lunatics and  
Minors, &c.

Whenever in this or the Special Act the consent of any particular majority of votes, at any meeting of the Company, is required, in order to authorize any proceeding of the Company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting, and if such poll be not demanded, then a declaration by the chairman, that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

79.  
Proof of a  
particular  
majority of  
Votes only  
required in  
the event of  
a Poll being  
demanded.

AND with respect to the appointment and rotation of Directors;  
BE it Enacted, as follows :

The number of directors shall be the prescribed number.

80.  
Number of  
Directors.

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Where

81.  
Power to  
vary the  
Number of  
Directors.

Where the Company shall be authorized by the Special Act to increase or to reduce the number of the directors, it shall be lawful for the Company, from time to time, in General Meeting, after due notice for that purpose, to increase or reduce the number of the directors, within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum at their meetings.

5

82.  
Election of  
Directors.

The directors appointed by the Special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting to be held in the year next after that in which the Special Act shall have passed; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the Special Act, or any number of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by the Special Act being eligible as members of such new body; and at the first ordinary meeting to be held every year thereafter, the shareholders present, personally or by proxy, shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions hereinafter contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, as hereinafter mentioned.

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83.  
Existing  
Directors  
continued on  
failure of  
Meeting for  
Election of  
Directors.

If at any meeting at which an election of directors ought to take place, the prescribed quorum shall not be present, within *One Hour* from the time appointed for the meeting, no election of directors shall be made, but such meeting shall stand adjourned to the following day, at the same time and place; and if at the meeting so adjourned, the prescribed quorum be not present, within *One Hour* from the time appointed for the meeting, the existing directors shall continue to act and retain their powers until new directors be appointed at the first ordinary meeting of the following year.

25

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84.  
Qualification  
of Directors.

No person shall be capable of being a director unless he be a shareholder, nor unless he be possessed of the prescribed number, if any, of shares; and no person holding an office or place of trust or profit under the Company, or interested in any contract with the Company, shall be capable of being a director; and no director shall be capable of accepting any other office or place of trust or profit under the Company, or of being interested in any contract with the Company, during the time he shall be a director.

35

If

If any of the directors at any time subsequently to his election accept or continue to hold any other office or place of trust or profit under the Company, or be either directly or indirectly concerned in any contract with the Company, or participate in any manner in the profits of any work to be done for the Company, or if such director at any time cease to be a holder of the prescribed number of shares in the Company, then in any of the cases aforesaid the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director.

85.  
Cases in which Office of Director shall become vacant.

10 Provided always, That no person, being a shareholder, or member of any incorporated Joint Stock Company shall be disqualified or prevented from acting as a director by reason of any contract entered into between such Joint Stock Company and the Company incorporated by the Special Act ; but no such director, being a shareholder  
15 or member of such Joint Stock Company, shall vote on any question as to any contract with such Joint Stock Company.

86.  
Shareholder of an incorporated Joint Stock Company not disqualified by reason of contracts.

The directors appointed by the Special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision hereinbefore contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following ; the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree ; (that is to say)

87.  
Rotation of Directors.

25 At the end of the first year, after the first election of directors, the prescribed number, and if no number be prescribed, One-third of such directors to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office ;

30 At the end of the second year, the prescribed number, and if no number be prescribed, One-half of the remaining number of such directors, to be determined in like manner, shall go out of office ;

At the end of the third year, the prescribed number, and if no number be prescribed, the remainder of such directors shall go out of office ;

35 And in each instance, the places of the retiring directors shall be supplied by an equal number of qualified shareholders ; and at the first ordinary meeting in every subsequent year, the prescribed number, and if no number be prescribed, One-third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner ; nevertheless, every director

so retiring from office may be re-elected immediately or at any future time; and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, That if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly *One-third* as may be, shall go out of office, so that the whole number shall go out of office in *Three Years*. 5

88.  
Supply of  
occasional  
Vacancies in  
Office of  
Directors.

If any director die or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office. 10 15

AND with respect to the powers of the Directors, and the powers of the Company to be exercised only in general meeting; BE it Enacted, as follows: 20

89.  
Powers of  
the Company  
to be exer-  
cised by the  
Directors.

The directors shall have the management and superintendence of the affairs of the Company, and they may lawfully exercise all the powers of the Company, except as to such matters as are directed by this or the Special Act to be transacted by a general meeting of the Company; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the Special Act; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting. 25 30

90.  
Powers of  
the Company  
not to be  
exercised by  
the Directors.

Except as otherwise provided by the Special Act, the following powers of the Company; (that is to say) the choice and removal of the directors, except as hereinbefore mentioned, and the increasing or reducing of their number, where authorized by the Special Act; the choice of auditors; the determination as to the remuneration of the directors, auditors, treasurer and secretary; the determination as to the amount of money to be borrowed on mortgage; the determination as to the augmentation of capital; and the declaration of dividends, shall be exercised only at a general meeting of the Company. 35

AND

AND with respect to the proceedings and liabilities of the Directors;  
BE it Enacted, as follows :

The directors shall hold meetings at such times as they shall appoint  
for the purpose, and they may meet and adjourn as they think proper  
5 from time to time, and from place to place ; and at any time any  
*Two* of the directors may require the secretary to call a meeting of  
the directors ; and in order to constitute a meeting of directors, there  
shall be present at the least the prescribed quorum, and when no  
quorum shall be prescribed there shall be present at least *One-third*  
10 of the directors ; and all questions at any such meeting shall be  
determined by the majority of votes of the directors present, and in  
case of an equal division of votes, the chairman shall have a casting  
vote, in addition to his vote as one of the directors.

91.  
Meetings of  
Directors.

At the first meeting of directors held after the passing of the Special  
15 Act, and at the first meeting of the directors held after each annual  
appointment of directors, the directors present at such meeting shall  
choose one of the directors to act as chairman of the directors for  
the year following such choice ; and shall also, if they think fit, choose  
another director to act as deputy chairman for the same period ; and  
20 if the chairman or deputy chairman die or resign or cease to be a  
director, or otherwise become disqualified to act, the directors present  
at the meeting next after the occurrence of such vacancy shall choose  
some other of the directors to fill such vacancy ; and every such  
chairman or deputy chairman so elected as last aforesaid shall continue  
25 in office so long only as the person in whose place he may be so  
elected would have been entitled to continue, if such death, resigna-  
tion, removal or disqualification had not happened.

92.  
Permanent  
Chairman of  
Directors.

If at any meeting of the directors neither the chairman nor deputy  
chairman be present, the directors present shall choose some one of  
30 their number to be chairman of such meeting.

93.  
Occasional  
Chairman of  
Directors.

It shall be lawful for the directors to appoint One or more com-  
mittees, consisting of such number of directors as they think fit,  
within the prescribed limits, if any, and they may grant to such  
committees respectively power on behalf of the Company to do  
35 any acts relating to the affairs of the Company which the directors  
could lawfully do, and which they shall from time to time think proper  
to entrust to them.

94.  
Committees  
of Directors.  
Powers of  
Committee.

The said committees may meet from time to time, and may adjourn  
from place to place as they think proper, for carrying into effect the  
4. c 4 purposes

95.  
Meetings of  
Committee.

purposes of their appointment ; and no such committee shall exercise the powers intrusted to them, except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed, then a quorum to be fixed for that purpose by the general body of directors ; and at all meetings of the committees, one of the members present shall be appointed chairman, and all questions at any meeting of the committee shall be determined by a majority of votes of the members present ; and in case of an equal division of votes, the chairman shall have a casting vote in addition to his vote as a member of the committee. 5 10

96.  
Contracts by  
Committee or  
Directors,  
how to be  
entered into.

The power which may be granted to any such committee to make contracts, as well as the power of the directors to make contracts on behalf of the Company, may lawfully be exercised as follows ; (that is to say)

With respect to any contract which, if made between private persons, would be by law required to be in writing and under seal, such committee, or the directors, may make such contract on behalf of the Company, in writing, and under the common seal of the Company, and in the same manner may vary or discharge the same : 15 20

With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then such committee, or the directors, may make such contract on behalf of the Company, in writing, signed by such committee, or any *Two* of them, or any *Two* of the directors, and in the same manner may vary or discharge the same : 25

With respect to any contract which, if made between private persons, would by law be valid, although made by parol only, and not reduced into writing, such committee, or the directors, may make such contract on behalf of the Company, by parol only, without writing, and in the same manner may vary or discharge the same : 30

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be ; and on any default in the execution of any such contract, either by the Company or any other party thereto, such actions or suits may be brought either by or against the Company, as might be brought had the same contracts been made between private persons only. 35

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The directors shall cause notes, minutes or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the Company, and of the directors and committees of directors, to be  
 5 duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry so signed shall be received as evidence in all courts, and before all Judges, Justices and others,  
 10 without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be  
 15 presumed, until the contrary be proved.

97.  
 Proceedings to be entered in a book, and to be evidence.

All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as  
 20 aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

98.  
 Informalities in appointment of Directors not to invalidate proceedings.

No director, by being party to or executing in his capacity of director, any contract or other instrument on behalf of the Company,  
 25 or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so  
 30 entered into, signed or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors and administrators, shall be indemnified out of the capital of the Company for all payments made or liability incurred in respect of any acts done by them,  
 35 and for all losses, costs and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the Company may apply the existing funds and capital of the Company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining  
 40 unpaid, if any.

99.  
 Directors not to be personally liable.

Indemnity of Directors.

AND with respect to the appointment and duties of Auditors; BE it Enacted, as follows :

Except where by the special Act auditors shall be directed to be appointed otherwise than by the Company, the Company shall,

100.  
 Election of Auditors.

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at

at the first ordinary meeting after the passing of the Special Act, elect the prescribed number of auditors, and if no number is prescribed, *Two* Auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the Company in each year thereafter, the Company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter contained; and every auditor elected as hereinbefore provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead. 5 10

**101.**  
**Qualification**  
**of Auditors.**

Where no other qualification shall be prescribed by the Special Act, every auditor shall have at least One share in the Undertaking; and he shall not hold any office in the Company, nor be in any other manner interested in its concerns, except as a shareholder.

**102.**  
**Rotation of**  
**Auditors.**

One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new auditor. 15 20

**103.**  
**Vacancies in**  
**Office of Au-**  
**ditor.**

If any vacancy take place among the auditors in the course of the current year, then, at any general meeting of the Company, the vacancy may, if the Company think fit, be supplied by election of the shareholders.

**104.**  
**Failure of**  
**Meeting to**  
**elect Audi-**  
**tor.**

The provision of this Act, respecting the failure of an ordinary meeting at which directors ought to be chosen, shall apply, mutatis mutandis, to any ordinary meeting at which an auditor ought to be appointed. 25

**105.**  
**Delivery of**  
**Balance-**  
**sheet, &c., by**  
**Directors to**  
**Auditors.**

The directors shall deliver to such auditors the half-yearly or other periodical accounts and balance-sheet *Fourteen* Days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders, as hereinafter provided. 30

**106.**  
**Duty of**  
**Auditors.**

It shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance-sheet required to be presented to the shareholders, and to examine the same. 35

**107.**  
**Powers of**  
**Auditors.**

It shall be lawful for the auditors to employ such accountants and other persons as they may think proper, at the expense of the Company,

pany, and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

- 5 AND with respect to the accountability of the officers of the Company; BE it Enacted, as follows:

Before any person intrusted with the custody or control of monies, whether treasurer, collector or other officer of the Company, shall enter upon his office, the directors shall take sufficient security from him for  
10 the faithful execution of his office.

108.  
Security to  
be taken  
from officers  
entrusted  
with money.

Every officer employed by the Company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all monies received by him on  
15 behalf of the Company; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall  
20 pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

109.  
Officers to  
account on  
demand.

If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto  
25 required, or if, for *Three Days* after being thereunto required, he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of this or the Special Act, or belonging to the Company, then on  
30 complaint thereof being made to a Justice, such Justice shall summon such officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence upon proof that such summons was personally served upon him, or left at  
35 his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the Company are in the hands of such  
40 officer, or owing by him to the Company, such Justices may order such officer to pay the same; and if he fail to pay the amount, it shall be

110.  
Summary  
remedy  
against parties  
failing to  
account.

lawful for such Justices to grant a warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding *Three Months*, unless the same be sooner paid.

111.  
Officers re-  
fusing to  
deliver up  
documents,  
&c. to be  
imprisoned.

If any such officer refuse or fail to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging to the Company, such Justices may lawfully commit such offender to gaol ; and in every such case of commitment, the prisoner shall remain in custody without bail until he have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things, if any, in his possession or power.

112.  
Where  
officer about  
to abscond,  
warrant may  
be issued in  
the first  
instance.

Provided always, That if any director or other person acting on behalf of the Company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Justice before whom the complaint is made, instead of issuing his summons, to issue his warrant for the bringing such officer before such Two Justices as aforesaid ; but no person executing such warrant shall keep such officer in custody longer than *Twenty-four Hours* without bringing him before Two Justices to answer to the charge as hereinbefore directed.

113.  
Sureties not  
to be dis-  
charged.

No such proceeding against or dealing with any such officer as aforesaid shall deprive the Company of any remedy which they might otherwise have against such officer or any surety of such officer.

AND with respect to the keeping of Accounts, and the right of inspection thereof by the shareholders ; BE it Enacted, as follows :

114.  
Accounts to  
be kept.

The Directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the Company, by the directors and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received or disbursed and paid.

115.  
Books to be  
balanced.

The books of the Company shall be balanced at the prescribed periods ; and if no periods be prescribed, *Fourteen Days* at least before each ordinary meeting ; and forthwith, on the books being

so

so balanced, an exact balance-sheet shall be made up, which shall exhibit a true statement of the capital stock, credits and property of every description belonging to the Company, and the debts due by the Company at the date of making such balance-sheet, and a distinct  
 5 view of the profit or loss which shall have arisen on the transactions of the Company, in the course of the preceding half-year; and previously to each ordinary meeting such balance-sheet shall be examined by the directors, or any *Three* of their number, and shall be signed by the chairman or deputy chairman of the directors.

10 The books so balanced, together with such balance-sheet as aforesaid, shall, for the prescribed periods, and if no periods be prescribed, for *Fourteen Days* previous to each ordinary meeting, and for *One Month* thereafter, be open for the inspection of the shareholders, at the principal office or place of business of the Company; but the  
 15 shareholders or loan-creditors shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by *Three* of the directors.

116.  
 Inspection of  
 Accounts by  
 Shareholders  
 at stated  
 times.

The directors shall produce to the shareholders assembled at such ordinary meeting the said balance-sheet, applicable to the period im-  
 20 mediately preceding such meeting, together with the report of the auditors thereon as hereinbefore provided.

117.  
 Balance-sheet  
 to be pro-  
 duced at the  
 Meeting.

The directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for the purpose; and every such book-keeper shall permit any shareholder or any loan-creditor to in-  
 25 spect such books, and to take copies or extracts therefrom, at any reasonable time during the prescribed periods, and if no periods be prescribed, during *One Fortnight* before and *One Month* after every ordinary meeting; and if he fail to permit any such shareholder or loan-creditor to inspect such books, or take copies or extracts therefrom,  
 30 during the periods aforesaid, he shall forfeit to such shareholder or loan-creditor for every such offence a sum not exceeding *Five Pounds*.

118.  
 Book-keeper  
 to allow  
 inspection of  
 the accounts  
 at the ap-  
 pointed times.

AND with respect to the making of Dividends; BE it Enacted, as follows:

Previously to every ordinary meeting at which a dividend is in-  
 35 tended to be declared, the directors shall cause a scheme to be prepared, showing the profits, if any, of the Company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the  
 40 shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may

119.  
 Previously to  
 declaration of  
 dividends, a  
 scheme to be  
 prepared.

have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

120.  
Dividend not  
to be made  
so as to reduce  
Capital.

The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

5

121.  
Power to  
Directors to  
set apart a  
fund for  
Contingen-  
cies.

Before apportioning the profits to be divided among the shareholders, the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing or improving the Works connected with the Undertaking, or any part thereof, and may divide the balance only among the shareholders.

10

122.  
Dividend not  
to be paid  
unless all  
calls paid.

No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

AND with respect to the making of Bye-laws; BE it Enacted, as follows :

15

123.  
Power to  
make Bye-  
laws for the  
Officers of the  
Company.

It shall be lawful for the Company from time to time to make such bye-laws as they think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever; and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the Special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company; and a copy of such bye-laws shall be given to every officer and servant of the Company affected thereby.

20

25

124.  
Fines for  
Breach of  
such Bye-  
laws.

It shall be lawful for the Company, by such bye-laws, to impose such reasonable penalties upon all persons, being officers or servants of the Company, offending against such bye-laws, as the Company think fit, not exceeding *Five Pounds* for any one offence.

30

125.  
Bye-laws to  
be so framed  
as that Penal-  
ties may be  
mitigated.

All the bye-laws to be made by the Company shall be so framed as to allow the Justice before whom any penalty imposed thereby may be sought to be recovered, to order a part only of such penalty to be paid, if such Justice shall think fit.

35

126.  
Evidence of  
Bye-laws.

The production of a written or printed copy of the bye-laws of the Company, having the common seal of the Company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

AND

AND with respect to the settlement of disputes by Arbitration;  
BE it Enacted, as follows :

When any dispute authorized or directed by this or the Special Act to be settled by arbitration shall have arisen, then, unless both parties  
5 shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator, to whom such dispute shall be referred ; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other,  
10 nor shall the death of either party operate as such revocation ; and if for the space of *Fourteen Days* after any such dispute shall have arisen, and after a request in writing shall have been made by the other party to appoint an arbitrator, either party fail to appoint such arbitrator, then, upon such failure, the party making the request, and having  
15 himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties ; and such arbitrator may proceed to hear and determine the matters which shall be in dispute ; and in such case the award or determination of such single arbitrator shall be final.

127.  
Where questions are to be determined by arbitration, Arbitrators to be appointed within Fourteen Days after notice.

If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable, or refuse  
20 or for *Seven Days* neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place ; and if for the space of *Seven Days* after notice in writing from the other party for that purpose, he fail  
25 to do so, the remaining or other arbitrator may proceed ex-parte ; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal or disability as aforesaid.

128.  
Vacancy of Arbitrator to be supplied.

Where more than one arbitrator shall have been appointed, such  
30 arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ ; and if such umpire shall die or refuse, or for *Seven Days* neglect to act, they shall forthwith after such death, refusal or neglect, appoint another umpire  
35 in his place ; and the decision of every such umpire on the matters so referred to him shall be final.

129.  
Appointment of Umpire.

If in either of the cases aforesaid, the said arbitrators, shall refuse, or shall, for *Seven Days* after request of either party to such arbitration, neglect to appoint an umpire, it shall be lawful for the Board of  
40 Trade, if they think fit, in any case in which a Railway Company shall be one party to the arbitration, on the application of either party to such arbitration, to appoint an umpire ; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final.

130.  
Board of Trade empowered to appoint an Umpire on neglect of the Arbitrators, in case of Railway Companies.

131.  
Power of  
Arbitrators to  
call for books,  
&c.

The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

5

132.  
Costs to be in  
the discretion  
of the Arbitrators.

Except where by this or the Special Act it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators, shall be in the discretion of the arbitrators.

133.  
Submission  
to Arbitration  
to be made Rule  
of Court.

The submission to any such arbitration may be made a rule of any of the Superior Courts on the application of either of the parties.

10

AND with respect to the giving of Notices ; BE it Enacted, as follows :

134.  
Service of  
Notices upon  
Company.

Any summons, notice or writ, or other proceeding at law or in equity, requiring to be served upon the Company, may be served by the same being left at the principal office of the Company, or being given personally to the secretary, or in case there be no secretary, then by being given to any one director of the Company.

15

135.  
Service by  
Company on  
Shareholders.

Notices requiring to be served by the Company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post, directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery, within the period (if any) prescribed for the giving of such notice ; and in proving such service, it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post-office.

20

25

136.  
Notices to  
Joint Proprietors  
of Shares.

All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the Register of Shareholders ; and notice so given shall be sufficient notice to all the proprietors of such share.

30

137.  
Notice by  
Advertisement.

All notices required by this or the Special Act to be given by advertisement shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the Company's principal place of business shall be situated.

Every

Every summons, notice, or other such document requiring authentication by the Company, may be signed by Two directors or by the treasurer or the secretary of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

138.  
Authentica-  
tion of  
Notices.

And be it Enacted, That if any person against whom the Company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the Company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration or act of insolvency against such bankrupt or insolvent, to represent the Company, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the Company.

139.  
Proof of  
Debts in  
Bankruptcy.

And be it Enacted, That if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this or the Special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and, if no such tender shall have been made, it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

140.  
Tender of  
amends.

AND with respect to the recovery of Damages not specially provided for, and Penalties; BE it Enacted, as follows:

141.  
Provision for  
Damages not  
otherwise  
provided for.

In all cases where any damages, costs or expenses are by this or the Special Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by Two Justices; and if the amount so ascertained be not paid by the Company or other party liable to pay the same within *Seven Days* after demand, the amount may be recovered by distress of the goods of the Company, or other party liable as aforesaid, and the Justices by whom the same shall have been ordered to be paid, or either of them or any other Justice, on application, shall issue their or his warrant accordingly.

If sufficient goods of the Company cannot be found whereon to levy any such damages payable by the Company, the same may be recovered by distress of the goods of the treasurer of the Company, and the Justices aforesaid, or any other Justice, on application, shall issue their

142.  
Distress  
against the  
Treasurer.

or his warrant accordingly ; but no such distress shall issue against the goods of such treasurer unless *Seven Days'* previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence ; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the Company, coming into his custody or control, or he may sue the Company for the same. 5

143.  
Method of  
proceeding  
before Jus-  
tices in  
questions of  
Damages, &c.

Where in this or the Special Act, any question of compensation, expenses, charges or damages is referred to the determination of any One Justice or more, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before One Justice, or before Two Justices as the case may require, at a time and place to be named in such summons ; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such One Justice, or such Two Justices as the case may be, to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses, on oath ; and the costs of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof. 10 15 20

144.  
Publication  
of Penalties.

The Company shall publish the short particulars of the several offences for which any penalty is imposed by this or the Special Act, or by any bye-law of the Company affecting other persons than the shareholders, officers, or servants of the Company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the Company ; and where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference ; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed ; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required. 25 30 35

145.  
Penalty for  
defacing  
Boards.

If any person pull down or injure any board put up or affixed as required by this or the Special Act, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding *Five Pounds*, and shall defray the expenses attending the restoration of such board. 40

Every

Every penalty or forfeiture imposed by this or the Special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before Two Justices ; and on complaint being made to any Justice, he shall issue a summons requiring the party complained against to appear before Two Justices at a time and place to be named in such summons ; and every such summons shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode ; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any Two Justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them ; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of One credible witness or more, it shall be lawful for such Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Justices shall think fit.

146.  
Penalties to  
be summarily  
recovered  
before Two  
Justices.

If forthwith upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress ; and such Justices, or either of them, or any other Justice, shall issue their or his warrant of distress accordingly.

147.  
Penalties to  
be levied by  
Distress.

It shall be lawful for any such Justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him on the day appointed for such return, such day not being more than Eight Days from the time of taking such security ; but if, before issuing such warrant of distress, it shall appear to the Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Justice whereon to levy such penalty or forfeiture and costs, he may, if he thinks fit, refrain from issuing such warrant of distress ; and in such case, or if such warrant shall have been issued, and upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding *Three Months*, unless such penalty or forfeiture and costs be sooner paid and satisfied.

148.  
Imprison-  
ment in  
default of  
Distress.

Where in this or the Special Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress,

149.  
Distress how  
to be levied

4.

F

such

such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained. 5

150.  
Distress not  
unlawful for  
want of form.

No distress levied by virtue of this or the Special Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto ; nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him ; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case. 10

151.  
Application of  
Penalties.

The Justices by whom any such penalty or forfeiture shall be imposed, may, where the application thereof is not otherwise provided for, award not more than One-half thereof to the informer, and shall award the remainder to the Overseers of the Poor of the parish in which the offence shall have been committed, for the benefit of the poor of such parish ; or if the place wherein the offence shall have been committed shall be extra-parochial, then such Justices shall direct such remainder to be applied for the benefit of the poor of such extra-parochial place, or of any adjoining parish or district, and shall order the same to be paid over to the proper officer for that purpose. 15 20

152.  
Penalties to  
be sued for  
within Six  
Months.

No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the Special Act, for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within *Six Months* next after the commission of such offence. 25

153.  
Damage to  
be made good  
in addition  
to penalty.

If through any act, neglect or default on account whereof any person shall have incurred any penalty imposed by this or the Special Act, any damage to the property of the Company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty ; and the amount of such damages shall, in case of dispute, be determined by the Justices by whom the party incurring such penalty shall have been convicted ; and on non-payment of such damages on demand, the same shall be levied by distress, and such Justices, or one of them, or any other Justice, shall issue their or his warrant accordingly. 30 35

154.  
Penalty on  
Witnesses  
making de-  
fault.

It shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction 40

jurisdiction under the provisions of this or the Special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the  
 5 time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath, or to give evidence before such Justice, every such person shall forfeit a sum not exceeding Five Pounds for every such offence.

10 It shall be lawful for any officer or agent of the Company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the Special Act, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some Justice, without any warrant or other  
 15 authority than this or the Special Act; and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

155.  
Transient  
Offenders.

The Justices before whom any person shall be convicted of any  
 20 offence against this or the Special Act may cause the conviction to be drawn up according to the form in the Schedule (G.) to this Act annexed.

156.  
Form of  
Conviction.

No proceeding in pursuance of this or the Special Act shall be quashed or vacated for want of form, nor shall the same be removed  
 25 by certiorari or otherwise into any of the Superior Courts.

157.  
Proceedings  
not to be  
quashed for  
want of form,  
nor removed  
by Certiorari.

If any person shall think himself aggrieved by any determination or adjudication of any Justice, with respect to any penalty or forfeiture under the provisions of this or the Special Act, he may appeal to the general quarter sessions for the county or place in  
 30 which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within *Four Months* next after the making of such determination or adjudication, nor unless *Ten Days'* notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal  
 35 shall be brought, nor unless the appellant forthwith after such notice enter into recognizances with *Two* sufficient sureties before a Justice conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

158.  
Parties  
allowed to  
appeal to  
Quarter Ses-  
sions on giving  
Security.

At the quarter sessions for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions;

159.  
Court to  
make such  
Order as they  
think reason-  
able.

and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant or levied by distress upon his goods to be returned to him, and may also order such further satisfaction to be made to the party injured 5 as they may judge reasonable ; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

160.  
Act not to  
extend to  
Scotland.

And be it Enacted, That this Act shall not extend to Scotland.

161.  
Act may be  
amended this  
Session.

And be it Enacted, That this Act may be amended or repealed 10 by any Act to be passed in this Session of Parliament.

## SCHEDULES

## SCHEDULES

REFERRED TO BY THE FOREGOING ACT.

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### SCHEDULE (A.)

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#### FORM OF CERTIFICATE OF SHARE.

"THE COMPANY."

Number

THIS is to certify, That A. B., of \_\_\_\_\_, is the  
proprietor of the share, Number \_\_\_\_\_ of "THE  
COMPANY," subject to the regulations of the said  
Company. Given under the common seal of the said Company, the  
day of \_\_\_\_\_ in the year of our Lord

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### SCHEDULE (B.)

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#### FORM OF TRANSFER OF SHARES OR STOCK.

I, \_\_\_\_\_, of \_\_\_\_\_, in consideration  
of the sum of \_\_\_\_\_ paid to me by  
of \_\_\_\_\_, do hereby transfer to the said  
share (or, shares), numbered \_\_\_\_\_ in the Undertaking called  
"THE COMPANY;" [or, \_\_\_\_\_ Pounds Consoli-  
dated Stock in the Undertaking called "THE COMPANY,"  
standing (or part of the Stock standing) in my name in the Books of the Com-  
pany], To hold unto the said \_\_\_\_\_, his executors, administrators and  
assigns [or, successors and assigns], subject to the several conditions on  
which I held the same at the time of the execution hereof; and I, the said  
\_\_\_\_\_, do hereby agree to take the said share (or  
shares) [or stock], subject to the same conditions. As witness our hands and  
seals the \_\_\_\_\_ day of \_\_\_\_\_

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SCHEDULE (C.)

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FORM OF MORTGAGE DEED.

“THE COMPANY.”

Mortgage, Number £.

BY virtue of [*here name the Special Act*], We, “THE  
COMPANY,” in consideration of the sum of  
Pounds paid to us by A. B., of , do  
assign unto the said A. B., his executors, administrators and assigns, the said  
Undertaking, [and (*in case such loan shall be in anticipation of the capital  
authorized to be raised*) all future calls on shareholders,] and all the tolls and  
sums of money arising by virtue of the said Act, and all the estate, right, title  
and interest of the Company in the same; to hold unto the said A. B., his  
executors, administrators and assigns, until the said sum of  
Pounds, together with interest for the same, at the rate of  
for every One hundred Pounds by the year, be satisfied [the principal sum  
to be repaid at the end of years from the date hereof (*in case any  
period be agreed upon for that purpose*)]. Given under our common seal  
this day of in the year of our  
Lord

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SCHEDULE (D.)

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FORM OF BOND.

“THE COMPANY.”

Bond, Number £.

BY virtue of [*here name the Special Act*], We, “THE  
COMPANY,” in consideration of the sum of  
Pounds to us in hand paid by A. B., of , do bind ourselves  
and our successors unto the said A. B., his executors, administrators and  
assigns, in the penal sum of Pounds.

The condition of the above obligation is such, that if the said Company  
shall pay to the said A. B., his executors, administrators or assigns, on the  
day of which will be in the year One  
thousand eight hundred and , the principal sum of  
Pounds, together with interest for the same, at the rate of  
Pounds per centum per annum, payable half-yearly, on the  
day of and day of , then the  
above written obligation is to become void, otherwise to remain in full force.  
Given under our common seal this day of  
One thousand eight hundred and

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SCHEDULE

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SCHEDULE (E.)

---

FORM OF TRANSFER OF MORTGAGE OR BOND.

I, A. B., of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_  
paid to me by G. H., of \_\_\_\_\_,  
do hereby transfer to the said G. H., his executors, administrators and assigns,  
a certain bond [or, mortgage] Number \_\_\_\_\_, made by "THE  
COMPANY," to \_\_\_\_\_,  
bearing date the \_\_\_\_\_ day of \_\_\_\_\_ for securing the sum  
of \_\_\_\_\_ and \_\_\_\_\_ interest [or, *if such transfer be by*  
*indorsement*, the within security,] and all my right, estate and interest in and  
to the money thereby secured [*and, if the transfer be of a mortgage*, and in  
and to the tolls, money and property thereby assigned]. In witness whereof  
I have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_  
One thousand eight hundred and \_\_\_\_\_

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SCHEDULE (F.)

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FORM OF PROXY.

A. B., \_\_\_\_\_, one of the proprietors of "THE  
COMPANY," doth hereby appoint C. D., of \_\_\_\_\_  
\_\_\_\_\_, to be the proxy of the said A. B., in his absence, to vote in his  
name upon any matter relating to the Undertaking proposed at the meeting  
of the proprietors of the said Company, to be held on the  
day of \_\_\_\_\_ next, in such manner as he, the said C. D., doth think  
proper. In witness whereof the said A. B. hath hereunto set his hand [*or, if*  
*a corporation, say the common seal of the corporation*] the  
day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

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SCHEDULE (G.)

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FORM OF CONVICTION.

To wit.  
BE it Remembered, That on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord \_\_\_\_\_, A. B. is convicted before us,  
C. D., two of Her Majesty's Justices of the Peace for the county of \_\_\_\_\_  
[*here describe the offence generally, and the time and place when and where*  
*committed*], contrary to the [*here name the Special Act*]. Given under our  
hands and seals the day and year first above written.

A. B.  
C. D.

---

*Companies Clauses Consolidation.*

A

**B I L L**

For consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature.

*(Prepared and brought in by  
Lord Granville Somerset and Mr. Greene.)*

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*Ordered, by The House of Commons, to be Printed,  
6 February 1845.*

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4.

*Under 8 oz.*

## COMPANIES CLAUSES CONSOLIDATION; 1845.

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### ARRANGEMENT OF CLAUSES.

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Operation of the Act ; sect. 1.  
Interpretation ; 2 to 4.  
Form in which Portions of this Act may be incorporated with other Acts ; 5.  
Clauses providing for the distribution of the Capital into Shares ; 6 to 13.  
Transfer of Shares ; 14 to 20.  
Payment of Subscriptions and enforcement of Calls ; 21 to 28.  
Forfeiture of Shares for non-payment of Calls ; 29 to 35.  
Execution against Shareholders to the extent of their Capital not paid up ; 36, 37.  
Exercise of the Power to borrow Money, and Provision for enforcing the rights of the Loan Creditors ; 38 to 55.  
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21 February 1845.—8 VICT.



A

# B I L L

[AS AMENDED BY THE COMMITTEE]

For consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature.

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[N.B.—The Clauses marked (A.) and (B.) were added by Committee.]

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**W**H **H**EREAS it is expedient to comprise in one General Act sundry Provisions relating to the constitution and management of Joint Stock Companies, usually introduced into Acts of Parliament authorizing the execution of Undertakings of a public nature by such Companies, and that as well for the purpose of avoiding the necessity of repeating such Provisions in each of the several Acts relating to such Undertakings, as for ensuring greater uniformity in the Provisions themselves;

Preamble.

May it therefore please Your MAJESTY,

- 10 That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT this Act shall apply to every Joint Stock Company which shall by any Act
- 15 which shall hereafter be passed be incorporated for the purpose of carrying on any Undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Company which shall be incorporated by such Act, and
- 20 to the Undertaking for carrying on which such Company shall be incorporated, so far as the same shall be applicable thereto respectively; and such clauses and provisions, as well as the clauses

1.  
Act to apply to Companies incorporated by Acts hereafter to be passed.

54.

A

and

and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

**2.**  
**Interpreta-**  
**tions in this**  
**Act.**

AND with respect to the construction of this Act, and of other Acts to be incorporated therewith ; BE it Enacted, as follows :

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**"The Special**  
**Act."**

The expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed, incorporating a Joint Stock Company for the purpose of carrying on any Undertaking, and with which this Act shall be so incorporated as

**"Prescribed."**

aforesaid ; and the word "prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the Special Act ; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "pre-

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**"The Under-**  
**taking."**

scribed for that purpose in the Special Act" had been used ; and the expression, "the Undertaking" shall mean the Undertaking or Works, of whatever nature, which shall by the Special Act be authorized to be executed.

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**3.**  
**Interpreta-**  
**tions in this**  
**and the Spe-**  
**cial Act.**

The following words and expressions both in this and the Special Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction ; (that is to say)

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**Number.**

Words importing the singular number only shall include the plural number ; and words importing the plural number only shall include the singular number :

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**Gender.**

Words importing the masculine gender only shall include females :

**"Lands."**

The word "lands" shall extend to messuages, lands, tenements and hereditaments of any tenure :

**Lease.**

The word "lease" shall include an agreement for a lease :

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**"Month."**

The word "Month" shall mean calendar Month :

**"Superior**  
**Courts."**

The expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster or Dublin :

**"Oath."**

The word "oath" shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath :

35

**"County."**

The word "county" shall include any riding or other like division of a county :

**"Justice."**

The word "Justice" shall mean Justice of the Peace acting for the county, riding, city, division, liberty or other place, where the

the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter : And where any matter shall be authorized or required to be done by Two Justices, the expression " Two Justices " shall be understood to mean Two Justices assembled and acting together in Petty Sessions :

" Two Justices."

The expression " the Company," shall mean the Company constituted by the Special Act :

" The Company."

The expression " the directors," shall mean the directors of the Company, and shall include all persons having the direction of the Undertaking, whether under the name of directors, managers, committee of management, or under any other name :

" Directors."

The word " shareholder " shall mean shareholder, proprietor or member of the Company ; and in referring to any such shareholder, expressions properly applicable to a person shall be held to apply to a corporation : and

" Shareholder."

The expression " the secretary " shall mean the secretary of the Company, and shall include the word " clerk."

" Secretary."

And be it Enacted, That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression " The Companies Clauses Consolidation Act, 1845."

4.  
Short Title of the Act.

AND whereas it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act ; BE it therefore Enacted, That, for the purpose of making any such incorporation, it shall be sufficient in any such Act to enact, that the Clauses of this Act, with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act in the words introductory to the enactment with respect to such matter) shall be incorporated with such Act ; and thereupon all the Clauses and Provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such Clauses and Provisions were set forth therein with reference to the matter to which such Act shall relate.

5.  
CLAUSE (A.)  
Form in which Portions of this Act may be incorporated with other Acts.

AND with respect to the distribution of the Capital of the Company into shares ; BE it Enacted, as follows:

The capital of the Company shall be divided into shares of the prescribed number and amount ; and such shares shall be numbered in arithmetical progression, beginning with number one ; and every such share shall be distinguished by its appropriate number.

6.  
Capital to be divided into Shares.

7.  
Shares to be  
Personal  
Estate.

All shares in the Undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

8.  
Share-  
holders.

Every person who shall have subscribed the prescribed sum or upwards to the capital of the Company, or shall otherwise have become entitled to a share in the Company, and whose name shall have been entered on the Register of Shareholders hereinafter mentioned, shall be deemed a shareholder of the Company.

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9.  
Registry  
of Share-  
holders.

The Company shall keep a book, to be called the "Register of Shareholders;" and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons entitled to shares in the Company, together with the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares; and such book shall be authenticated by the common seal of the Company being affixed thereto; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the Company, and so from time to time at each ordinary meeting of the Company.

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10.  
Addresses of  
Shareholders.

In addition to the said Register of Shareholders, the Company shall provide a book, to be called the "Shareholders' Address-book," in which the Secretary shall from time to time enter the places of abode of the several shareholders of the Company, so far as the same shall be known to the Company; and every shareholder, or if such shareholder be a corporation, the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof, or of any part thereof; and for every Hundred words so required to be copied, the Company may demand a sum not exceeding Sixpence.

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11.  
Certificates of  
Shares to be  
issued to the  
Shareholders.

On demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the Company affixed thereto; and such certificate shall specify the share in the Undertaking to which such shareholder is entitled; and the same may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect; and for such certificate the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding Two shillings and Sixpence

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12.  
Certificate to  
be Evidence.

The said certificate shall be admitted in all Courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless, the

40

want

want of such certificate shall not prevent the holder of any share from disposing thereof.

If any such certificate be worn out or damaged, then upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested ; or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the directors, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed ; and in either case a due entry of the substituted certificate shall be made by the secretary in the Register of Shareholders ; and for every such certificate so given or exchanged, the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding Two shillings and Sixpence.

13.  
Certificate to  
be renewed  
when de-  
stroyed.

AND with respect to the transfer or transmission of shares ; BE it Enacted, as follows :

Subject to the regulations herein or in the Special Act contained, every shareholder may sell and transfer all or any of his shares in the Undertaking, or all or any part of his interest in the capital stock of the Company, in case such shares shall, under the provision hereinafter contained, be consolidated into capital stock ; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated ; and such deed may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

14.  
Transfer of  
Shares to be  
by deed duly  
stamped.

The said deed of transfer (when duly executed) shall be delivered to the secretary, and be kept by him ; and the secretary shall enter a memorial thereof in a book to be called the " Register of Transfers," and shall endorse such entry on the deed of transfer, and shall on demand deliver a new certificate to the purchaser ; and for every such entry, together with such endorsement and certificate the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding Two shillings and Sixpence ; and on the request of the purchaser of any share, an endorsement of such transfer shall be made on the certificate of such share, instead of a new certificate being granted ; and such endorsement being signed by the secretary shall be considered in every respect the same as a new certificate ; and until such transfer has been so delivered to the secretary as aforesaid the vendor of the share shall continue liable to the Company for any calls that may be made upon such share, and the purchaser of the share shall not be entitled to receive any share of the profits of the Undertaking, or to vote in respect of such share.

15.  
Transfers of  
Shares to be  
registered,  
&c.

16.  
Transfer not  
to be made  
until calls  
paid.

No shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him.

17.  
Closing of  
Transfer-  
books.

It shall be lawful for the directors to close the Register of Transfers for the prescribed period, or if no period be prescribed, then for a period not exceeding Fourteen Days previous to each ordinary meeting, and they may fix a day for the closing of the same, of which Seven Days' notice shall be given by advertisement in some newspaper as after mentioned; and any transfer made during the time when the transfer books are so closed, shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

18.  
Transmission  
of Shares by  
other means  
than transfer,  
to be authen-  
ticated by a  
Declaration.

If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this or the Special Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be made and signed by some credible person before a Justice, or before a Master or Master Extraordinary of the High Court of Chancery; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register of Shareholders; and for every such entry the Company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed, then not exceeding Five Shillings; and until such transmission has been so authenticated, no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Undertaking, nor to vote in respect of any such share as the holder thereof.

19.  
Proof of  
Transmission  
by Marriage,  
Will, &c.

If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid, the secretary shall make an entry of the declaration in the said Register of Transfers.

The

The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Company, or if it stands in the names of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts; and the Company shall not be bound to see to the application of the money paid upon such receipt.

20.

Company not bound to regard Trusts.

AND with respect to the payment of Subscriptions and the means of enforcing the payment of calls; BE it Enacted, as follows :

The several persons who have subscribed any money towards the Undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Company, at such times and places as shall be appointed by the Company; and with respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "Shareholder" shall extend to and include the legal personal representatives of such shareholder.

21.

Subscriptions to be paid when called for.

It shall be lawful for the Company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that Twenty-one Days' notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be not made at less than the prescribed interval, if any, and that the aggregate amount of calls made in any one year do not exceed the prescribed amount, if any, and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time appointed by the Company.

22.

Power to make calls.

If, before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment.

23.

Interest to be paid on calls unpaid.

It shall be lawful for the Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the monies due upon their respective shares beyond the sums actually called for; and upon the principal monies so paid in advance, or so much thereof as from time to time shall exceed the amount of

24.

Power to allow Interest on payment of Subscriptions before call.

the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest, for the time being, as the shareholder paying such sum in advance and the Company shall agree upon.

25.  
Enforcement  
of calls by  
action.

If, at the time appointed by the Company for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the Company to sue such shareholder for the amount thereof, in any court of law or equity having competent jurisdiction, and to recover the same, with lawful interest, from the day on which such call was payable.

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26.  
Declaration in  
action for  
calls.

In any action or suit to be brought by the Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is the holder of One share or more in the Company (stating the number of shares), and is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of One call or more upon One share or more (stating the number and amount of each of such calls), whereby an action hath accrued to the Company by virtue of this and the Special Act.

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27.  
Matter to be  
proved in  
action for  
calls.

On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of One share or more in the Undertaking, and that such call was in fact made, and such notice thereof given as is directed by this or the Special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

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28.  
Proof of Pro-  
prietorship.

The production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

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29.  
Forfeiture of  
Shares for  
non-payment  
of calls.

AND with respect to the forfeiture of shares for non-payment of calls; BE it Enacted, as follows :

If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of Two Months from the day appointed for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the Company have sued for the amount of such call or not.

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Before

Before declaring any share forfeited, the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if  
 5 the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the Shareholders' Address Book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as  
 10 hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the directors, the directors shall give public notice of such intention in the London or Dublin Gazette,  
 15 according as the Company's principal place of business shall be situate in England or Ireland, and also in some newspaper, as after mentioned; and the several notices aforesaid shall be given Twenty-one Days at least before the directors shall make such declaration of forfeiture.

30.  
 Notice of Forfeiture to be given before Declaration thereof.

The said declaration of forfeiture shall not take effect so as to  
 20 authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the Company, to be held after the expiration of Two Months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful  
 25 for the Company to confirm such forfeiture at any such meeting, and, by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

31.  
 Forfeiture to be confirmed by a General Meeting.

After such confirmation as aforesaid, it shall be lawful for the directors to sell the forfeited share, either by public auction or private  
 30 contract; and if there be more than one such forfeited share, then, either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

32.  
 Sale of forfeited Shares.

A declaration in writing, by some credible person not interested in the matter, made before any Justice, or before any Master or  
 35 Master Extraordinary of the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated;  
 40 and such declaration, and the receipt of the Treasurer of the Company for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, dis-

33.  
 Evidence as to forfeiture of Shares.

charged from all calls due prior to such purchase ; and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

34.  
No more  
Shares to be  
sold than suf-  
ficient for  
payment of  
calls.

The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture ; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

35.  
On payment  
of calls before  
sale, for-  
feited Shares  
to revert.

If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

AND with respect to the remedies of Creditors of the Company against the Shareholders ; BE it Enacted, as follows :

36.  
Execution  
against Share-  
holders to the  
extent of their  
Shares in  
Capital not  
paid up.

If any execution, either at law or in equity, shall have been issued against the property or effects of the Company, and if there cannot be found sufficient whereon to levy such execution, then such execution may be issued against any of the shareholders, to the extent of their shares respectively in the capital of the Company not then paid up : Provided always, That no such execution shall issue against any shareholder except upon an order of the court in which the action, suit or other proceeding shall have been brought or instituted, made upon motion in open court after sufficient notice in writing to the persons sought to be charged ; and upon such motion such court may order execution to issue accordingly ; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register of Shareholders without fee.

37.  
Reimburse-  
ment of such  
Shareholders.

If by means of any such execution, any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the Company.

AND with respect to the borrowing of Money by the Company on mortgage or bond ; BE it Enacted, as follows :

If

If the Company be authorized by the Special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the Special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order  
 5 of a general meeting of the Company, be authorized to be borrowed, not exceeding in the whole the sum prescribed by the Special Act, and for securing the repayment of the money so borrowed, with interest, to mortgage the Undertaking, and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned.

38.  
Power to  
borrow  
Money.

10 If after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the Company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time ; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the Com-  
 15 pany, unless the money be so re-borrowed in order to pay off any existing mortgage or bond.

39.  
Power to  
re-borrow.

Where by the Special Act the Company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or  
 20 the special Act the authority of a general meeting is required for such borrowing, the certificate of a Justice that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the Company authorizing the borrowing of any money, certified by One of the directors or by the secretary  
 25 to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made ; and upon production to any Justice of the books of the Company, and of such other evidence as he shall think sufficient, such Justice  
 30 shall grant the certificate aforesaid.

40.  
Evidence of  
authority for  
borrowing.

Every mortgage and bond for securing money borrowed by the Company shall be by deed under the common seal of the Company, duly stamped, and wherein the consideration shall be truly stated ; and every such mortgage deed or bond may be according to the form  
 35 in the Schedule (C.) or (D.) to this Act annexed, or to the like effect.

41.  
Mortgages  
and Bonds  
to be by Deed  
duly stamped.

The respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such  
 54. mortgages

42.  
Rights of  
Mortgagees.

mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another, by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

43.  
Application  
of calls, not-  
withstanding  
Mortgage.

No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the purposes of the Company any calls to be made by the Company.

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44.  
Rights of  
Obligees.

The respective obligees in such bonds shall, proportionally, according to the amount of the monies secured thereby, be entitled to be paid out of the tolls or other property or effects of the Company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another, by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

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45.  
Register of  
Mortgages  
and Bonds.

A Register of Mortgages and Bonds shall be kept by the secretary, and within Fourteen Days after the date of any such mortgage or bond, an entry or memorial, specifying the number and date of such mortgage or bond, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the Company, or by any person interested in any such mortgage or bond, without fee or reward.

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46.  
Transfer of  
Mortgages  
and Bonds  
to be by Deed  
duly stamped.

Any party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule (E.) to this Act annexed, or to the like effect.

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47.  
Transfers of  
Mortgages  
and Bonds  
to be regis-  
tered.

Within Thirty Days after the date of every such transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the arrival thereof in the United Kingdom, it shall be produced to the secretary, and thereupon the secretary shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage; and after such entry, every such transfer shall entitle the transferee to the full benefit of the original mortgage or bond in all respects; and no party having made such transfer shall have power to make void, release or discharge the mortgage or bond so transferred, or any money thereby secured; and for such entry the Company may demand a sum not exceeding the prescribed sum, or where

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where no sum shall be prescribed, the sum of Two Shillings and Sixpence ; and until such entry, the Company shall not be in any manner responsible to the transferee in respect of such mortgage.

5 The interest of the money borrowed upon any such mortgage or bond shall be paid at the periods appointed in such mortgage or bond, and if no period be appointed, half-yearly, to the several parties entitled thereto, and in preference to any dividends payable to the shareholders of the Company.

48.  
Payment of  
Interest on  
Monies  
borrowed.

10 The interest on any such mortgage or bond shall not be transferable, except by deed duly stamped.

49.  
Transfers of  
Interest to be  
stamped.

15 The Company may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereof, and in such case the Company shall cause such period to be inserted in the mortgage-deed or bond ; and upon the expiration of such period, the principal sum, together with the arrears of interest thereon, shall be paid to the party entitled to such mortgage or bond.

50.  
Repayment of  
Money bor-  
rowed at a  
time fixed.

20 If no time be fixed in the mortgage deed or bond for the repayment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration or at any time after the expiration of Twelve Months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving Six Months' previous notice for that purpose ; and in the like case the Company may at any time pay off the money borrowed, on giving the like notice ; and every such notice shall be in writing or print or both, and if given by a mortgagee or bond creditor, shall be delivered to the secretary, or left at the principal office of the Company, and if given by the Company, shall be given either personally to such mortgagee or bond creditor, or left at his residence, or if such mortgagee or bond creditor be unknown to the Directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the London or Dublin Gazette, according as the principal office of the Company shall be in England or Ireland, and in some newspaper as after mentioned.

51.  
Repayment of  
Money bor-  
rowed where  
no time fixed.

35 If the Company shall have given notice of their intention to pay off any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Company shall fail to pay the principal and interest due at the expiration of such notice on such mortgage or bond.

52.  
Interest to  
cease on expi-  
ration of no-  
tice to pay off  
Mortgage or  
Bond.

53.  
Arrears of  
Interest, when  
to be enforced  
by appoint-  
ment of a  
Receiver.

Arrears of  
Principal and  
Interest.

Where by the special Act the Mortgagees of the Company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages by the appointment of a Receiver, then if within Thirty Days after the interest accruing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a Receiver, by an application to be made as hereinafter provided; and if within Six Months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the prescribed sum alone, or if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid shall, together with his, amount to the prescribed sum, require the appointment of a Receiver, by an application to be made as hereinafter provided.

54.  
Appointment  
of Receiver.

Every application for a Receiver in the cases aforesaid shall be made to Two Justices, and on any such application it shall be lawful for such Justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully paid; and upon such appointment being made, all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such Receiver shall have been appointed; and after such interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

55.  
Access to  
Account-  
books by  
Mortgagees.

At all reasonable times the books of account of the Company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

AND with respect to the conversion of the borrowed money into Capital; BE it Enacted, as follows:

It

It shall be lawful for the Company, if they think fit, unless it be otherwise provided by the Special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the Company instead of borrowing the same; or, having  
 5 borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof, by creating new shares; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the Company.

56.  
Power to  
convert Loan  
into Capital.

The capital so to be raised by the creation of new shares shall be  
 10 considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or the forfeiture of shares on nonpayment of calls, or otherwise, as if it had been part of the original capital, except as to  
 15 the times of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the Company from time to time to fix as they shall think fit.

57.  
New Shares  
to be con-  
sidered same  
as original  
Shares.

If at the time of any such augmentation of capital taking place by the creation of new shares, the then existing shares be at a premium, or of greater actual value than the nominal value thereof, then, unless  
 20 it be otherwise provided by the Special Act, the sum so to be raised shall be divided into shares of such amount as will conveniently allow the same to be apportioned among the then shareholders, in proportion to the existing shares held by them respectively; and such new shares shall be offered to the then shareholders in the proportion  
 25 aforesaid; and such offer shall be made by letter, under the hand of the secretary, given to or sent by post, addressed to each shareholder, according to his address in the shareholders' address book, or left at his usual or last place of abode.

58.  
If old Shares  
at Premium,  
new Shares  
to be offered  
to the Share-  
holders.

The said new shares shall vest in and belong to the shareholders,  
 30 who shall accept the same, and pay the value thereof to the Company at the time and by the instalments which shall be fixed by the Company; and if any shareholder fail, for One Month after such offer of new shares, to accept the same and pay the instalments called for in respect thereof, it shall be lawful for the Company to  
 35 dispose of such shares in such manner as they shall deem most for the advantage of the Company.

59.  
Shares to  
vest in the  
parties ac-  
cepting;  
otherwise to  
be disposed  
of by the  
Directors.

If at the time of such augmentation of capital taking place, the existing shares be not at a premium, then such new shares may be of such amount, and may be issued in such manner, and on such terms,  
 40 as the Company shall think fit.

60.  
If not at a  
Premium, to  
be issued as  
Company  
think fit.

AND with respect to the consolidation of the shares into Stock;  
 BE it Enacted, as follows :

54.

B 4

It

61.  
Power to  
consolidate  
Shares into  
Stock.

It shall be lawful for the Company, from time to time, with the consent of Three-fifths of the votes of the shareholders present, in person or by proxy, at any general meeting of the Company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of the Company, and in respect whereof the whole money subscribed shall have been paid up, into a general capital stock, to be divided amongst the shareholders, according to their respective interests therein. 5

62.  
Proprietors of  
Stock may  
transfer the  
same.

After such conversion or consolidation shall have taken place, all the provisions contained in this or the Special Act which require or imply that the capital of the Company shall be divided into shares of any fixed amount, and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect, and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner and subject to the same regulations and provisions as or according to which any shares in the capital of the Company might be transferred under the provisions of this or the Special Act; and the Company shall cause an entry to be made in some book, to be kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, a sum not exceeding Two Shillings and Sixpence. 10 15 20

63.  
Register of  
Stock.

The Company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock;" and such book shall be accessible at all seasonable times to the several holders of shares or stock in the Undertaking. 25 30

64.  
Proprietors of  
Stock entitled  
to Dividends.

The several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively. 35 40

And

And be it Enacted, That all the money raised by the Company, whether by subscriptions of the shareholders or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the Special Act, and all expenses incident thereto ; and  
5 secondly, in carrying the purposes of the Company into execution.

65.  
Application of  
Capital.

AND with respect to the General Meetings of the Company, and the exercise of the right of voting by the shareholders ; BE it Enacted, as follows :

10 The first general meeting of the shareholders of the Company shall be held within the prescribed time, or if no time be prescribed, within One Month after the passing of the Special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed, in the months of February and August in each year, or at such other stated periods as shall be appointed for that  
15 purpose by an order of a general meeting ; and the meetings so appointed to be held as aforesaid shall be called " Ordinary Meetings ;" and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any ; and if no place be prescribed, then at some place to be appointed by the directors.

66.  
Ordinary  
Meetings to  
be held half-  
yearly.

20 No matters, except such as are appointed by this or the Special Act to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

67.  
Business at  
Ordinary  
Meetings.

25 Every general meeting of the shareholders, other than an ordinary meeting, shall be called an " Extraordinary Meeting ;" and such meetings may be convened by the directors at such times as they think fit.

68.  
Extraordi-  
nary Meet-  
ings.

No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

69.  
Business at  
extraordi-  
nary Meet-  
ings.

30 It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for Twenty or more shareholders, holding in the aggregate not less than One-tenth of the capital of the  
35 Company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the Company ; and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the Company, or given to at least Three directors, or left at their last or usual places of abode ;  
40 and forthwith, upon the receipt of such requisition, the directors shall convene a meeting of the shareholders ; and if, for Twenty-one Days after such notice, the directors fail to call such meeting, the prescribed

70.  
Extraordi-  
nary Meetings  
convened by  
Shareholders.

number or such other number as aforesaid of shareholders, qualified as aforesaid, may call such meeting by giving Fourteen Days' public notice thereof.

**71.  
Notice of  
Meetings.**

Fourteen Days' public notice at the least of all meetings, whether ordinary or extraordinary, shall be given by advertisement, which shall specify the place, the day, and the hour of meeting; and every notice of an extraordinary meeting, or of an ordinary meeting, if any other business than the business hereby or by the Special Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called.

**72.  
Quorum for a  
General  
Meeting.**

In order to constitute a meeting (whether ordinary or extraordinary) there shall be present, either personally or by proxy, the prescribed quorum; and if no quorum be prescribed, then shareholders holding in the aggregate not less than One-twentieth of the capital of the Company, and being in number not less than one for every Five hundred Pounds of such required proportion of capital, unless such number would be more than Twenty; in which case Twenty shareholders, holding not less than One Twentieth of the capital of the Company, shall be the quorum; and if within One Hour from the time appointed for such meeting the said quorum be not present, no business shall be transacted at the meeting, other than the declaring of a dividend in case that shall be one of the objects of the meeting, but such meeting shall, except in the case of a meeting for the election of directors hereinafter mentioned, be held to be adjourned sine die.

**73.  
Chairman at  
General  
Meetings.**

At every meeting of the Company one or other of the following persons shall preside as chairman; that is to say, the chairman of the directors, or, in his absence, the deputy chairman (if any), or in the absence of the chairman and deputy chairman, some one of the directors of the Company, to be chosen for that purpose by the meeting; or, in the absence of the chairman and deputy chairman and of all the directors, any shareholder to be chosen for that purpose by a majority of the shareholders present at such meeting.

**74.  
Business at  
Meetings and  
adjourn-  
ments.**

The shareholders present at any such meeting shall proceed in the execution of the powers of the Company with respect to the matters for which such meeting shall have been convened, and those only and every such meeting may be adjourned from time to time and from place to place, and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

**75.  
Votes of  
Shareholders.**

At all general meetings of the Company every shareholder shall be entitled to vote according to the prescribed scale of voting, and where

where no scale shall be prescribed, every shareholder shall have One Vote for every share up to Ten, and he shall have an additional vote for Five every shares beyond the first Ten shares held by him up to One hundred, and an additional vote for every Ten shares held by him beyond the first Hundred shares : Provided always, That no shareholder shall be entitled to vote at any meeting, unless he shall have paid all the calls then due upon the shares held by him.

The votes may be given either personally or by proxies, being shareholders, authorized by writing, according to the form in the Schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote not only as a principal and proxy, but to have a casting vote, if there be an equality of votes.

76.  
Manner of  
voting.

No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the Company the prescribed period, or if no period be prescribed, not less than Forty-eight Hours before the time appointed for holding the meeting at which such proxy is to be used.

77.  
Regulations  
as to Proxies.

If several persons be jointly entitled to a share, the person whose name stands first in the Register of Shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

78.  
Votes of Joint  
Shareholders.

If any shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee; and if any shareholder be a minor, he may vote by his guardian, or any One of his guardians; and every such vote may be given either in person or by proxy.

79.  
Votes of  
Lunatics and  
Minors, &c.

Whenever in this or the Special Act the consent of any particular majority of votes, at any meeting of the Company, is required, in order to authorize any proceeding of the Company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting, and if such poll be not demanded, then a declaration by the chairman, that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

80.  
Proof of a  
particular  
majority of  
Votes only  
required in  
the event of  
a Poll being  
demanded.

AND with respect to the appointment and rotation of Directors ;  
BE it Enacted, as follows :

81.  
Number of  
Directors.

The number of directors shall be the prescribed number.

82.  
Power to  
vary the  
Number of  
Directors.

Where the Company shall be authorized by the Special Act to in-  
crease or to reduce the number of the directors, it shall be lawful for 5  
the Company, from time to time, in General Meeting, after due notice  
for that purpose, to increase or reduce the number of the directors,  
within the prescribed limits, if any, and to determine the order of ro-  
tation in which such reduced or increased number shall go out of office,  
and what number shall be a quorum at their meetings. 10

83.  
Election of  
Directors.

The directors appointed by the Special Act shall, unless thereby  
otherwise provided, continue in office until the first ordinary meeting  
to be held in the year next after that in which the Special Act shall  
have passed ; and at such meeting the shareholders present, per-  
sonally or by proxy, may either continue in office the directors ap- 15  
pointed by the Special Act, or any number of them, or may elect a  
new body of directors, or directors to supply the places of those  
not continued in office, the directors appointed by the Special Act  
being eligible as members of such new body ; and at the first ordi-  
nary meeting to be held every year thereafter, the shareholders 20  
present, personally or by proxy, shall elect persons to supply the  
places of the directors then retiring from office, agreeably to the  
provisions hereinafter contained ; and the several persons elected  
at any such meeting, being neither removed nor disqualified, nor  
having resigned, shall continue to be directors until others are elected 25  
in their stead, as hereinafter mentioned.

84.  
Existing  
Directors  
continued on  
failure of  
Meeting for  
Election of  
Directors.

If at any meeting at which an election of directors ought to take  
place, the prescribed quorum shall not be present, within One Hour  
from the time appointed for the meeting, no election of directors shall  
be made, but such meeting shall stand adjourned to the following 30  
day, at the same time and place ; and if at the meeting so adjourned,  
the prescribed quorum be not present, within One Hour from the  
time appointed for the meeting, the existing directors shall continue  
to act and retain their powers until new directors be appointed at the  
first ordinary meeting of the following year. 35

85.  
Qualification  
of Directors.

No person shall be capable of being a director unless he be a share-  
holder, nor unless he be possessed of the prescribed number, if any,  
of shares ; and no person holding an office or place of trust or  
profit under the Company, or interested in any contract with the  
Company, shall be capable of being a director ; and no director 40  
shall be capable of accepting any other office or place of trust or profit  
under the Company, or of being interested in any contract with the  
Company, during the time he shall be a director.

If

If any of the directors at any time subsequently to his election accept or continue to hold any other office or place of trust or profit under the Company, or be either directly or indirectly concerned in any contract with the Company, or participate in any manner in the profits of any work to be done for the Company, or if such director at any time cease to be a holder of the prescribed number of shares in the Company, then in any of the cases aforesaid the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director.

86.  
Cases in which Office of Director shall become vacant.

Provided always, That no person, being a shareholder, or member of any incorporated Joint Stock Company shall be disqualified or prevented from acting as a director by reason of any contract entered into between such Joint Stock Company and the Company incorporated by the Special Act ; but no such director, being a shareholder or member of such Joint Stock Company, shall vote on any question as to any contract with such Joint Stock Company.

87.  
Shareholder of an incorporated Joint Stock Company not disqualified by reason of contracts.

The directors appointed by the Special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision hereinbefore contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following ; the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree ; (that is to say)

88.  
Rotation of Directors.

At the end of the first year, after the first election of directors, the prescribed number, and if no number be prescribed, One-third of such directors to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office ;

At the end of the second year, the prescribed number, and if no number be prescribed, One-half of the remaining number of such directors, to be determined in like manner, shall go out of office ;

At the end of the third year, the prescribed number, and if no number be prescribed, the remainder of such directors shall go out of office ;

And in each instance, the places of the retiring directors shall be supplied by an equal number of qualified shareholders ; and at the first ordinary meeting in every subsequent year, the prescribed number, and if no number be prescribed, One-third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner ; nevertheless, every director

so retiring from office may be re-elected immediately or at any future time; and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, That if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly One-third as may be, shall go out of office, so that the whole number shall go out of office in Three Years. 5

89.  
Supply of  
occasional  
Vacancies in  
Office of  
Directors.

If any director die or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office. 10 15

AND with respect to the powers of the Directors, and the powers of the Company to be exercised only in general meeting; BE it Enacted, as follows : 20

90.  
Powers of  
the Company  
to be exer-  
cised by the  
Directors.

The directors shall have the management and superintendence of the affairs of the Company, and they may lawfully exercise all the powers of the Company, except as to such matters as are directed by this or the Special Act to be transacted by a general meeting of the Company; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the Special Act; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting. 25 30

91.  
Powers of  
the Company  
not to be  
exercised by  
the Directors.

Except as otherwise provided by the Special Act, the following powers of the Company; (that is to say) the choice and removal of the directors, except as hereinbefore mentioned, and the increasing or reducing of their number, where authorized by the Special Act; the choice of auditors; the determination as to the remuneration of the directors, auditors, treasurer and secretary; the determination as to the amount of money to be borrowed on mortgage; the determination as to the augmentation of capital; and the declaration of dividends, shall be exercised only at a general meeting of the Company. 35

AND

AND with respect to the proceedings and liabilities of the Directors;  
BE it Enacted, as follows :

5 The directors shall hold meetings at such times as they shall appoint  
for the purpose, and they may meet and adjourn as they think proper  
from time to time, and from place to place ; and at any time any  
Two of the directors may require the secretary to call a meeting of  
the directors ; and in order to constitute a meeting of directors, there  
shall be present at the least the prescribed quorum, and when no  
quorum shall be prescribed there shall be present at least One-third  
10 of the directors ; and all questions at any such meeting shall be  
determined by the majority of votes of the directors present, and in  
case of an equal division of votes, the chairman shall have a casting  
vote, in addition to his vote as one of the directors.

92.  
Meetings of  
Directors.

15 At the first meeting of directors held after the passing of the Special  
Act, and at the first meeting of the directors held after each annual  
appointment of directors, the directors present at such meeting shall  
choose one of the directors to act as chairman of the directors for  
the year following such choice ; and shall also, if they think fit, choose  
another director to act as deputy chairman for the same period ; and  
20 if the chairman or deputy chairman die or resign or cease to be a  
director, or otherwise become disqualified to act, the directors present  
at the meeting next after the occurrence of such vacancy shall choose  
some other of the directors to fill such vacancy ; and every such  
chairman or deputy chairman so elected as last aforesaid shall continue  
25 in office so long only as the person in whose place he may be so  
elected would have been entitled to continue, if such death, resigna-  
tion, removal or disqualification had not happened.

93.  
Permanent  
Chairman of  
Directors.

30 If at any meeting of the directors neither the chairman nor deputy  
chairman be present, the directors present shall choose some one of  
their number to be chairman of such meeting.

94.  
Occasional  
Chairman of  
Directors.

35 It shall be lawful for the directors to appoint One or more com-  
mittees, consisting of such number of directors as they think fit,  
within the prescribed limits, if any, and they may grant to such  
committees respectively power on behalf of the Company to do  
any acts relating to the affairs of the Company which the directors  
could lawfully do, and which they shall from time to time think proper  
to entrust to them.

95.  
Committees  
of Directors.  
  
Powers of  
Committee.

The said committees may meet from time to time, and may adjourn  
from place to place as they think proper, for carrying into effect the  
54- c 4 purposes

96.  
Meetings of  
Committee.

purposes of their appointment ; and no such committee shall exercise the powers intrusted to them, except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed, then a quorum to be fixed for that purpose by the general body of directors ; and at all meetings of the committees, one of the members present shall be appointed chairman, and all questions at any meeting of the committee shall be determined by a majority of votes of the members present ; and in case of an equal division of votes, the chairman shall have a casting vote in addition to his vote as a member of the committee. 5 10

97.  
Contracts by  
Committee or  
Directors,  
how to be  
entered into.

The power which may be granted to any such committee to make contracts, as well as the power of the directors to make contracts on behalf of the Company, may lawfully be exercised as follows ; (that is to say)

With respect to any contract which, if made between private persons, would be by law required to be in writing and under seal, such committee, or the directors, may make such contract on behalf of the Company, in writing, and under the common seal of the Company, and in the same manner may vary or discharge the same : 15 20

With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then such committee, or the directors, may make such contract on behalf of the Company, in writing, signed by such committee, or any Two of them, or any Two of the directors, and in the same manner may vary or discharge the same : 25

With respect to any contract which, if made between private persons, would by law be valid, although made by parol only, and not reduced into writing, such committee, or the directors, may make such contract on behalf of the Company, by parol only, without writing, and in the same manner may vary or discharge the same : 30

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be ; and on any default in the execution of any such contract, either by the Company or any other party thereto, such actions or suits may be brought either by or against the Company, as might be brought had the same contracts been made between private persons only. 35

The

The directors shall cause notes, minutes or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the Company, and of the directors and committees of directors, to be  
 5 duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry so signed shall be received as evidence in all courts, and before all Judges, Justices and others,  
 10 without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be  
 15 presumed, until the contrary be proved.

98.  
 Proceedings to be entered in a book, and to be evidence.

All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as  
 20 aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

99.  
 Informalities in appointment of Directors not to invalidate proceedings.

No director, by being party to or executing in his capacity of director, any contract or other instrument on behalf of the Company,  
 25 or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so  
 30 entered into, signed or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors and administrators, shall be indemnified out of the capital of the Company for all payments made or liability incurred in respect of any acts done by them,  
 35 and for all losses, costs and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the Company may apply the existing funds and capital of the Company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining  
 40 unpaid, if any.

100.  
 Directors not to be personally liable.

Indemnity of Directors.

AND with respect to the appointment and duties of Auditors; BE it Enacted, as follows :

Except where by the special Act auditors shall be directed to be appointed otherwise than by the Company, the Company shall,

101.  
 Election of Auditors.

54.

D

at

at the first ordinary meeting after the passing of the Special Act, elect the prescribed number of auditors, and if no number is prescribed, Two Auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the Company in each year thereafter, the Company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter contained; and every auditor elected as hereinbefore provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead. 5 10

**102.  
Qualification  
of Auditors.**

Where no other qualification shall be prescribed by the Special Act, every auditor shall have at least One share in the Undertaking; and he shall not hold any office in the Company, nor be in any other manner interested in its concerns, except as a shareholder.

**103.  
Rotation of  
Auditors.**

One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new auditor. 15 20

**104.  
Vacancies in  
Office of Au-  
ditor.**

If any vacancy take place among the auditors in the course of the current year, then, at any general meeting of the Company, the vacancy may, if the Company think fit, be supplied by election of the shareholders.

**105.  
Failure of  
Meeting to  
elect Audi-  
tor.**

The provision of this Act, respecting the failure of an ordinary meeting at which directors ought to be chosen, shall apply, mutatis mutandis, to any ordinary meeting at which an auditor ought to be appointed. 25

**106.  
Delivery of  
Balance-  
sheet, &c., by  
Directors to  
Auditors.**

The directors shall deliver to such auditors the half-yearly or other periodical accounts and balance-sheet Fourteen Days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders, as hereinafter provided. 30

**107.  
Duty of  
Auditors.**

It shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance-sheet required to be presented to the shareholders, and to examine the same. 35

**108.  
Powers of  
Auditors.**

It shall be lawful for the auditors to employ such accountants and other persons as they may think proper, at the expense of the Company,

pany, and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

- 5      **AND** with respect to the accountability of the officers of the Company; **BE** it Enacted, as follows :

Before any person intrusted with the custody or control of monies, whether treasurer, collector or other officer of the Company, shall enter upon his office, the directors shall take sufficient security from him for  
 10 the faithful execution of his office.

109.  
Security to  
be taken  
from officers  
entrusted  
with money.

Every officer employed by the Company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all monies received by him on  
 15 behalf of the Company; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive  
 20 the same, all monies which shall appear to be owing from him upon the balance of such accounts.

110.  
Officers to  
account on  
demand.

If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto  
 25 required, or if, for Three Days after being thereunto required, he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of this or the Special Act, or any Act incorporated therewith, or belonging to the Company,  
 30 then on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence upon proof that such summons was personally served upon him, or left at  
 35 his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the Company are in the hands of such officer, or owing by him to the Company, such Justices may order such officer to pay the same; and if he fail to pay the amount, it shall be

111.  
Summary  
remedy  
against parties  
failing to  
account.

lawful for such Justices to grant a warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding Three Months, unless the same be sooner paid.

112.  
Officers re-  
fusing to  
deliver up  
documents,  
&c. to be  
imprisoned.

If any such officer refuse or fail to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging to the Company, such Justices may lawfully commit such offender to gaol; and in every such case of commitment, the prisoner shall remain in custody without bail until he have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things, if any, in his possession or power.

113.  
Where  
officer about  
to abscond,  
warrant may  
be issued in  
the first  
instance.

Provided always, That if any director or other person acting on behalf of the Company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Justice before whom the complaint is made, instead of issuing his summons, to issue his warrant for the bringing such officer before such Two Justices as aforesaid; but no person executing such warrant shall keep such officer in custody longer than Twenty-four Hours without bringing him before Two Justices to answer to the charge as hereinbefore directed.

114.  
Sureties not  
to be dis-  
charged.

No such proceeding against or dealing with any such officer as aforesaid shall deprive the Company of any remedy which they might otherwise have against such officer or any surety of such officer.

AND with respect to the keeping of Accounts, and the right of inspection thereof by the shareholders; BE it Enacted, as follows:

115.  
Accounts to  
be kept.

The Directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the Company, by the directors and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received or disbursed and paid.

116.  
Books to be  
balanced.

The books of the Company shall be balanced at the prescribed periods; and if no periods be prescribed, Fourteen Days at least before each ordinary meeting; and forthwith, on the books being

so

so balanced, an exact balance-sheet shall be made up, which shall exhibit a true statement of the capital stock, credits and property of every description belonging to the Company, and the debts due by the Company at the date of making such balance-sheet, and a distinct  
5 view of the profit or loss which shall have arisen on the transactions of the Company, in the course of the preceding half-year; and previously to each ordinary meeting such balance-sheet shall be examined by the directors, or any Three of their number, and shall be signed by the chairman or deputy chairman of the directors.

10 The books so balanced, together with such balance-sheet as aforesaid, shall, for the prescribed periods, and if no periods be prescribed, for Fourteen Days previous to each ordinary meeting, and for One Month thereafter, be open for the inspection of the shareholders, at the principal office or place of business of the Company; but the  
15 shareholders shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by Three of the directors.

117.  
Inspection of  
Accounts by  
Shareholders  
at stated  
times.

The directors shall produce to the shareholders assembled at such ordinary meeting the said balance-sheet, applicable to the period im-  
20 mediately preceding such meeting, together with the report of the auditors thereon as hereinbefore provided.

118.  
Balance-sheet  
to be pro-  
duced at the  
Meeting.

The directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for the purpose; and every such book-keeper shall permit any shareholder to inspect such books, and to take copies or extracts therefrom, at any reasonable time  
25 during the prescribed periods, and if no periods be prescribed, during One Fortnight before and One Month after every ordinary meeting; and if he fail to permit any such shareholder to inspect such books, or take copies or extracts therefrom, during the periods aforesaid, he  
30 shall forfeit to such shareholder for every such offence a sum not exceeding Five Pounds.

119.  
Book-keeper  
to allow  
inspection of  
the accounts  
at the ap-  
pointed times.

AND with respect to the making of Dividends; BE it Enacted, as follows:

35 Previously to every ordinary meeting at which a dividend is intended to be declared, the directors shall cause a scheme to be prepared, showing the profits, if any, of the Company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may

120.  
Previously to  
declaration of  
dividends, a  
scheme to be  
prepared.

have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

121.  
Dividend not  
to be made  
so as to reduce  
Capital.

The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

5

122.  
Power to  
Directors to  
set apart a  
fund for  
Contingen-  
cies.

Before apportioning the profits to be divided among the shareholders, the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing or improving the Works connected with the Undertaking, or any part thereof, and may divide the balance only among the shareholders.

10

123.  
Dividend not  
to be paid  
unless all  
calls paid:

No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

AND with respect to the making of Bye-laws; BE it Enacted, as follows :

15

124.  
Power to  
make Bye-  
laws for the  
Officers of the  
Company.

It shall be lawful for the Company from time to time to make such bye-laws as they think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever; and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the Special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company; and a copy of such bye-laws shall be given to every officer and servant of the Company affected thereby.

20

25

125.  
Fines for  
Breach of  
such Bye-  
laws.

It shall be lawful for the Company, by such bye-laws, to impose such reasonable penalties upon all persons, being officers or servants of the Company, offending against such bye-laws, as the Company think fit, not exceeding Five Pounds for any one offence.

30

126.  
Bye-laws to  
be so framed  
as that Penal-  
ties may be  
mitigated.

All the bye-laws to be made by the Company shall be so framed as to allow the Justice before whom any penalty imposed thereby may be sought to be recovered, to order a part only of such penalty to be paid, if such Justice shall think fit.

35

127.  
Evidence of  
Bye-laws.

The production of a written or printed copy of the bye-laws of the Company, having the common seal of the Company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

AND

AND with respect to the settlement of disputes by Arbitration;  
BE it Enacted, as follows :

When any dispute authorized or directed by this or the Special Act, or any Act incorporated therewith, to be settled by arbitration shall  
5 have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall, by writing under his hand, nominate and appoint an arbitrator, to whom such dispute shall be referred ; and after any such appointment shall have been made, neither party shall have power to revoke the same without  
10 the consent of the other, nor shall the death of either party operate as such revocation ; and if for the space of Fourteen Days after any such dispute shall have arisen, and after a request in writing shall have been made by the other party to appoint an arbitrator, either party fail to appoint such arbitrator, then, upon such failure, the party making the  
15 request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties ; and such arbitrator may proceed to hear and determine the matters which shall be in dispute ; and in such case the award or determination of such single arbitrator shall be final.

128.  
Where questions are to be determined by arbitration, Arbitrators to be appointed within Fourteen Days after notice.

20 If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable, or refuse or for Seven Days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place ; and if for the space of Seven Days  
25 after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed ex-parte ; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal or disability as aforesaid.

129.  
Vacancy of Arbitrator to be supplied.

30 Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ ; and if such umpire shall die or refuse, or for Seven Days neglect to act, they shall  
35 forthwith after such death, refusal or neglect, appoint another umpire in his place ; and the decision of every such umpire on the matters so referred to him shall be final.

130.  
Appointment of Umpire.

If in either of the cases aforesaid, the said arbitrators, shall refuse, or shall, for Seven Days after request of either party to such arbitration, neglect to appoint an umpire, it shall be lawful for the Board of  
40 Trade, if they think fit, in any case in which a Railway Company shall be one party to the arbitration, on the application of either party to such arbitration, to appoint an umpire ; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final.

131.  
Board of Trade empowered to appoint an Umpire on neglect of the Arbitrators, in case of Railway Companies.

132.  
Power of  
Arbitrators to  
call for books,  
&c.

The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

5

133.  
Costs to be in  
the discretion  
of the Arbitrators.

Except where by this or the Special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators, shall be in the discretion of the arbitrators.

134.  
Submission  
to Arbitration  
to be made Rule  
of Court.

The submission to any such arbitration may be made a rule of any of the Superior Courts on the application of either of the parties.

10

AND with respect to the giving of Notices ; BE it Enacted, as follows :

135.  
Service of  
Notices upon  
Company.

Any summons, notice or writ, or other proceeding at law or in equity, requiring to be served upon the Company, may be served by the same being left at the principal office of the Company, or being given personally to the secretary, or in case there be no secretary, then by being given to any one director of the Company.

15

136.  
Service by  
Company on  
Shareholders.

Notices requiring to be served by the Company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post, directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery, within the period (if any) prescribed for the giving of such notice ; and in proving such service, it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post-office.

20

25

137.  
Notices to  
Joint Proprietors  
of Shares

All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the Register of Shareholders ; and notice so given shall be sufficient notice to all the proprietors of such share.

30

138.  
Notice by  
Advertisement.

All notices required by this or the Special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the Company's principal place of business shall be situated.

35

Every

Every summons, notice, or other such document requiring authentication by the Company, may be signed by Two directors or by the treasurer or the secretary of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

139.  
Authentica-  
tion of  
Notices.

And be it Enacted, That if any person against whom the Company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the Company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration or act of insolvency against such bankrupt or insolvent, to represent the Company, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the Company.

140.  
Proof of  
Debts in  
Bankruptcy.

And be it Enacted, That if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this or the Special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and, if no such tender shall have been made, it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

141.  
Tender of  
amends.

AND with respect to the recovery of Damages not specially provided for, and Penalties; BE it Enacted, as follows:

142.

In all cases where any damages, costs or expenses are by this or the Special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by Two Justices; and if the amount so ascertained be not paid by the Company or other party liable to pay the same within Seven Days after demand, the amount may be recovered by distress of the goods of the Company, or other party liable as aforesaid, and the Justices by whom the same shall have been ordered to be paid, or either of them or any other Justice, on application, shall issue their or his warrant accordingly.

Provision for  
Damages not  
otherwise  
provided for.

If sufficient goods of the Company cannot be found whereon to levy any such damages payable by the Company, the same may be recovered by distress of the goods of the treasurer of the Company, and the Justices aforesaid, or any other Justice, on application, shall issue their

143.  
Distress  
against the  
Treasurer.

or his warrant accordingly ; but no such distress shall issue against the goods of such treasurer unless Seven Days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence ; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the Company, coming into his custody or control, or he may sue the Company for the same.

144.  
Method of  
proceeding  
before Jus-  
tices in  
questions of  
Damages, &c.

Where in this or the Special Act, or any Act incorporated therewith, any question of compensation, expenses, charges or damages is referred to the determination of any One Justice or more, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before One Justice, or before Two Justices as the case may require, at a time and place to be named in such summons ; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such One Justice, or such Two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses, on oath ; and the costs of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

145.  
Publication  
of Penalties.

The Company shall publish the short particulars of the several offences for which any penalty is imposed by this or the Special Act, or any Act incorporated therewith, or by any bye-law of the Company affecting other persons than the shareholders, officers, or servants of the Company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the Company ; and where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference ; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed ; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

146.  
Penalty for  
defacing  
Boards.

If any person pull down or injure any board put up or affixed as required by this or the Special Act, or any Act incorporated therewith, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding Five Pounds, and shall defray the expenses attending the restoration of such board.

Every

Every penalty or forfeiture imposed by this or the Special Act, or any Act incorporated therewith, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before Two Justices ; and on complaint being made to any Justice, he shall issue a summons requiring the party complained against to appear before Two Justices at a time and place to be named in such summons ; and every such summons shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode ; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for Two Justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them ; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of One credible Witness or more, it shall be lawful for such Justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Justices shall think fit.

147.  
Penalties to  
be summarily  
recovered  
before Two  
Justices.

If forthwith upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress ; and such Justices, or either of them, or any other Justice, shall issue their or his warrant of distress accordingly.

148.  
Penalties to  
be levied by  
Distress.

It shall be lawful for any such Justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him on the day appointed for such return, such day not being more than Eight Days from the time of taking such security ; but if, before issuing such warrant of distress, it shall appear to the Justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Justice whereon to levy such penalty or forfeiture and costs, he may, if he thinks fit, refrain from issuing such warrant of distress ; and in such case, or if such warrant shall have been issued, and upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding Three Months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

149.  
Imprison-  
ment in  
default of  
Distress.

Where in this or the Special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or other-

150.  
Distress how  
to be levied.

54.

F

wise,

wise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained. 5

151.  
Distress not  
unlawful for  
want of form.

No distress levied by virtue of this or the Special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto; nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case. 15

152.  
Application of  
Penalties.

The Justices by whom any such penalty or forfeiture shall be imposed, may, where the application thereof is not otherwise provided for, award not more than One-half thereof to the informer, and shall award the remainder to the Overseers of the Poor of the parish in which the offence shall have been committed, for the benefit of the poor of such parish; or if the place wherein the offence shall have been committed shall be extra-parochial, then such Justices shall direct such remainder to be applied for the benefit of the poor of such extra-parochial place, or of any adjoining parish or district, and shall order the same to be paid over to the proper officer for that purpose. 25

153.  
Penalties to  
be sued for  
within Six  
Months.

No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the Special Act, or any Act incorporated therewith, for any offence made cognizable before a Justice, unless the complaint respecting such offence shall have been made before such Justice within Six Months next after the commission of such offence. 30

154.  
Damage to  
be made good  
in addition  
to penalty.

If through any act, neglect or default on account whereof any person shall have incurred any penalty imposed by this or the Special Act, or any Act incorporated therewith, any damage to the property of the Company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the Justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such Justices, or one of them, or any other Justice, shall issue their or his warrant accordingly. 40

155.  
Penalty on  
Witnesses  
making de-  
fault.

It shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction

jurisdiction under the provisions of this or the Special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable  
 5 excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath, or to give evidence before such Justice, every such person shall forfeit a sum not exceeding Five Pounds for every such offence.

10 It shall be lawful for any officer or agent of the Company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the Special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent,  
 15 and convey him, with all convenient despatch, before some Justice, without any warrant or other authority than this or the Special Act; and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

The Justices before whom any person shall be convicted of any  
 20 offence against this or the Special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the Schedule (G.) to this Act annexed.

No proceeding in pursuance of this or the Special Act shall be  
 25 quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the Superior Courts.

If any person shall think himself aggrieved by any determination or adjudication of any Justice, with respect to any penalty or forfeiture under the provisions of this or the Special Act, or any Act incorporated therewith, he may appeal to the general quarter  
 30 sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within Four Months next after the making of such determination or adjudication, nor unless Ten Days' notice in writing of such appeal, stating the nature and grounds thereof, be given  
 35 to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances with Two sufficient sureties before a Justice conditioned duly to prosecute such appeal, and to abide the order of the Court thereon.

At the quarter sessions for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions;

156.  
Transient  
Offenders.

157.  
Form of  
Conviction.

158.  
Proceedings  
not to be  
quashed for  
want of form,  
nor removed  
by Certiorari.

159.  
Parties  
allowed to  
appeal to  
Quarter Ses-  
sions on giving  
Security.

160.  
Court to  
make such  
Order as they  
think reason-  
able.

and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant or levied by distress upon his goods to be returned to him, and may also order such further satisfaction to be made to the party injured 5 as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

161.  
Act not to  
extend to  
Scotland.

And be it Enacted, That this Act shall not extend to Scotland.

162.  
CLAUSE (B.)  
For recover-  
ing calls  
against Share-  
holders re-  
siding in  
Scotland.

Provided always, and be it Enacted, That if any shareholder residing 10 in Scotland shall fail to pay the Amount of any call made upon him by the Company in respect of any share held by him, it shall be lawful for the Company to proceed against him in Scotland, and to sue for and recover the amount of such call, or to declare such share forfeited, in such manner, as is by "The Companies Clauses Conso- 15 lidation (Scotland) Act, 1845," in case the same shall pass into a law, provided in regard to shareholders of any Company in Scotland.

163.  
Act may be  
amended this  
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

## SCHEDULES

## SCHEDULES

REFERRED TO BY THE FOREGOING ACT.

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### SCHEDULE (A.)

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#### FORM OF CERTIFICATE OF SHARE.

"THE COMPANY."

Number

THIS is to certify, That A. B., of \_\_\_\_\_, is the proprietor of the share, Number \_\_\_\_\_ of "THE COMPANY," subject to the regulations of the said Company. Given under the common seal of the said Company, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

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### SCHEDULE (B.)

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#### FORM OF TRANSFER OF SHARES OR STOCK.

I, \_\_\_\_\_, of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ of \_\_\_\_\_, do hereby transfer to the said \_\_\_\_\_ share (or, shares), numbered \_\_\_\_\_ in the Undertaking called "THE COMPANY;" [or, \_\_\_\_\_ Pounds Consolidated Stock in the Undertaking called "THE COMPANY," standing (or part of the Stock standing) in my name in the Books of the Company], To hold unto the said \_\_\_\_\_, his executors, administrators and assigns [or, successors and assigns], subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said \_\_\_\_\_, do hereby agree to take the said share (or shares) [or stock], subject to the same conditions. As witness our hands and seals the \_\_\_\_\_ day of \_\_\_\_\_

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### SCHEDULE (C.)

#### FORM OF MORTGAGE DEED.

"THE COMPANY."

Mortgage, Number £.

BY virtue of [*here name the Special Act*], We, "THE  
COMPANY," in consideration of the sum of  
Pounds paid to us by A. B., of , do  
assign unto the said A. B., his executors, administrators and assigns, the said  
Undertaking, [and (*in case such loan shall be in anticipation of the capital  
authorized to be raised*) all future calls on shareholders,] and all the tolls and  
sums of money arising by virtue of the said Act, and all the estate, right, title  
and interest of the Company in the same; to hold unto the said A. B., his  
executors, administrators and assigns, until the said sum of  
Pounds, together with interest for the same, at the rate of  
for every One hundred Pounds by the year, be satisfied [the principal sum  
to be repaid at the end of years from the date hereof (*in case any  
period be agreed upon for that purpose*)]. Given under our common seal  
this day of in the year of our  
Lord

### SCHEDULE (D.)

#### FORM OF BOND.

"THE COMPANY."

Bond, Number £.

BY virtue of [*here name the Special Act*], We, "THE  
COMPANY," in consideration of the sum of  
Pounds to us in hand paid by A. B., of , do bind ourselves  
and our successors unto the said A. B., his executors, administrators and  
assigns, in the penal sum of Pounds.

The condition of the above obligation is such, that if the said Company  
shall pay to the said A. B., his executors, administrators or assigns, on the  
day of which will be in the year One  
thousand eight hundred and , the principal sum of  
Pounds, together with interest for the same, at the rate of  
Pounds per centum per annum, payable half-yearly, on the  
day of and day of , then the  
above written obligation is to become void, otherwise to remain in full force.  
Given under our common seal this day of  
One thousand eight hundred and

SCHEDULE

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SCHEDULE (E.)

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FORM OF TRANSFER OF MORTGAGE OR BOND.

I, A. B., of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_  
paid to me by G. H., of \_\_\_\_\_,  
do hereby transfer to the said G. H., his executors, administrators and assigns,  
a certain bond [or, mortgage] Number \_\_\_\_\_, made by "THE  
COMPANY," to \_\_\_\_\_,  
bearing date the \_\_\_\_\_ day of \_\_\_\_\_ for securing the sum  
of \_\_\_\_\_ and \_\_\_\_\_ interest [or, *if such transfer be by*  
*indorsement*, the within security,] and all my right, estate and interest in and  
to the money thereby secured [*and, if the transfer be of a mortgage*, and in  
and to the tolls, money and property thereby assigned]. In witness whereof  
I have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_  
One thousand eight hundred and \_\_\_\_\_

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SCHEDULE (F.)

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FORM OF PROXY.

A. B., \_\_\_\_\_, one of the proprietors of "THE  
COMPANY," doth hereby appoint C. D., of \_\_\_\_\_  
\_\_\_\_\_, to be the proxy of the said A. B., in his absence, to vote in his  
name upon any matter relating to the Undertaking proposed at the meeting  
of the proprietors of the said Company, to be held on the  
day of \_\_\_\_\_ next, in such manner as he, the said C. D., doth think  
proper. In witness whereof the said A. B. hath hereunto set his hand [*or, if*  
*a corporation, say the common seal of the corporation*] the  
day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

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SCHEDULE (G.)

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FORM OF CONVICTION.

To wit.  
BE it Remembered, That on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord \_\_\_\_\_, A. B. is convicted before us,  
C. D., two of Her Majesty's Justices of the Peace for the county of \_\_\_\_\_  
[*here describe the offence generally, and the time and place when and where*  
*committed*], contrary to the [*here name the Special Act*]. Given under our  
hands and seals the day and year first above written.

A. B.  
C. D.

---

*Companies Clauses Consolidation.*

A

**B I L L**

[AS AMENDED BY THE COMMITTEE]

For consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature.

(Prepared and brought in by  
*Lord Granville Somerset and Mr. Greene.*)

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*Ordered, by The House of Commons, to be Printed,  
21 February 1845.*

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54.

*Under 8 oz.*

## **COMPANIES' CLAUSES CONSOLIDATION (SCOTLAND) BILL: 1845.**

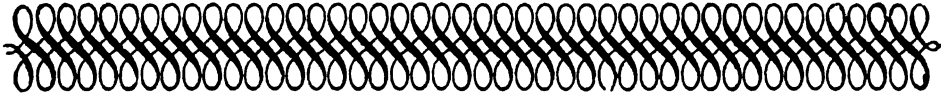
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### **ARRANGEMENT OF CLAUSES.**

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Operation of the Act ; sect. 1.  
Interpretation ; 2 to 4.  
Clauses providing for the distribution of the Capital into Shares ; 5 to 12.  
Transfer of Shares ; 13 to 20.  
Payment of Subscriptions and enforcement of Calls ; 21 to 28.  
Forfeiture of Shares for non-payment of Calls ; 29 to 35.  
Limiting liability of Shareholders ; 36.  
Execution against Shareholders to the extent of their Capital not paid up ; 37, 38.  
Exercise of the Power to borrow Money, and Provision for enforcing the rights of the Loan Creditors ; 39 to 57.  
Conversion of the borrowed Money into Capital ; 58 to 62.  
Consolidation of the Shares into Stock ; 63 to 66.  
Application of Capital ; 67.  
General Meetings and rights of voting ; 68 to 82.  
Appointment and rotation of Directors ; 83 to 91.  
Powers of the Directors ; 92, 93.  
Proceedings of the Directors ; 94 to 102.  
Appointment and Duties of Auditors ; 103 to 110.  
Accountability of Officers ; 111 to 116.  
Keeping of Accounts and right of Inspection by the Shareholders ; 117 to 121.  
Making of Dividends ; 122 to 125.  
Making of Bye-laws ; 126 to 129.  
Proceedings for settling Questions by Arbitration ; 130 to 135.  
Service of Notices ; 136 to 140.  
Proof of Debts in Bankruptcy ; 141.  
Tender of Amends ; 142.  
Recovery of Damages not otherwise provided for, and of Penalties ; 143 to 160.  
Appeal to the Sheriff and to the Quarter Sessions ; 161 to 163.  
Act may be amended this Session ; 164.





A

# B I L L

For consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature in Scotland.

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

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- W**<sup>H</sup>~~HEREAS~~ it is expedient to comprise in one General Act Preamble.  
sundry provisions relating to the constitution and management of Joint Stock Companies, usually introduced into Acts of Parliament authorizing the execution of Undertakings of a public nature  
5 by such Companies in Scotland, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such Undertakings as for ensuring greater uniformity in the provisions themselves; ~~BE it therefore Enacted,~~  
by The QUEEN's most Excellent MAJESTY, by and with the Advice  
10 and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT this Act shall extend only to such Companies in Scotland as shall be incorporated or constituted by Acts of Parliament which shall hereafter be passed, and which shall declare that this Act shall be incorporated  
15 therewith; and all the enactments and provisions of this Act, save so far as they shall be in any case varied or excepted by any such Act, shall apply to the Company which shall be incorporated or constituted by any Act, and to the Undertaking for carrying on which such Company shall be incorporated or constituted, so far as the same  
20 shall be applicable thereto respectively; and such enactments and provisions, as well as the enactments and provisions of every other Act which shall be incorporated with such Act, shall, save as afore-  
9. 1.  
Operation of  
the Act confined to future  
Companies.  
said,

said, form part of such Act, and be construed together therewith as forming one Act.

2.  
Interpreta-  
tions in this  
Act.  
"The Special  
Act."

AND with respect to the construction of this Act and of other Acts to be incorporated therewith ; BE it Enacted, as follows :

"Prescribed."

"The Under-  
taking."

The expression " the Special Act " used in this Act shall be construed to mean any Act which shall be hereafter passed, incorporating or constituting a Joint Stock Company for the carrying on of any Undertaking authorized thereby, and with which this Act shall be therein declared to be incorporated ; and such expression shall extend to and include any Act which shall by such Special Act be also declared to be incorporated therewith ; and the word " prescribed " used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as shall be prescribed or provided for in the Special Act ; and the sentence in which such word shall occur shall be construed as if, instead of the word " prescribed," the expression " prescribed for that purpose in the Special Act " had been used ; and the expression " the Undertaking " shall mean the Undertaking or Works, of whatever nature, which shall by the Special Act be authorized to be executed.

3.  
Interpreta-  
tions in this  
and the Special  
Act.

The following words and expressions both in this and the Special Act shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction ; (that is to say)

Number.

Words importing the singular number only shall include the plural number ; and words importing the plural number only shall include the singular number :

Gender.

Words importing the masculine gender only shall include females :

"Lands."

The word " lands " shall extend to houses, lands, tenements and heritages of any description or tenure :

"Lease."

The word " lease " shall include a missive or an agreement for a lease :

"Month."

The word " Month " shall mean calendar Month :

"Lord Ordinary."

The " Lord Ordinary " shall mean the Lord Ordinary of the Court of Session in Scotland officiating on the Bills in time of vacation, or the junior Lord Ordinary, if in time of Session, as the case may be :

"Sheriff."

The word " Sheriff " shall include the Sheriff Substitute or other legal competent Deputy, and shall mean Sheriff of the county where the matter requiring the cognizance of such Sheriff shall arise, unless such Sheriff shall be a party interested in such matter

5 matter, in which case the same shall mean the Sheriff of any adjoining county; and where any matter in relation to any lands is required to be done by any Sheriff or by any Sheriff Clerk, the expression "the Sheriff," or the expression "the Sheriff Clerk" shall in such case be construed to mean the Sheriff or Sheriff Clerk of the county in which the lands are situated, except as aforesaid:

10 The word "oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word "county" shall include any ward or other like division of a county:

15 The word "Justice" shall mean Justice of the Peace acting for the county, city or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter; and where any matter shall be authorized or required to be done by Two Justices, the expression "Two Justices" shall be understood to mean Two or more Justices assembled and acting together:

The expression "the Company," shall mean the Company constituted by the Special Act:

25 The expression "the directors," shall mean the directors of the Company, and shall include all persons having the direction of the Undertaking, whether under the name of directors, managers, committee of management, or under any other name:

30 The word "shareholder" shall mean shareholder, proprietor or member of the Company; and in referring to any such shareholder, expressions properly applicable to a person shall be held to apply to a corporation; and

The expression "the secretary," shall mean the secretary of the Company, and shall include the word "clerk."

35 And be it Enacted, That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Companies Clauses Consolidation (Scotland) Act, 1845."

AND with respect to the distribution of the Capital of the Company into Shares; BE it Enacted, as follows:

The capital of the Company shall be divided into shares of the prescribed number and amount; and such shares shall be numbered

9.

A 2

in

5.  
Capital to be  
divided into  
Shares.

in arithmetical progression, beginning with number one ; and every such share shall be distinguished by its appropriate number :

6.  
Shares to be  
Personal  
Estate.

All shares in the Undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate :

7.  
Share-  
holders.

Every person who shall have subscribed or shall subscribe the prescribed sum or upwards to the capital of the Company, shall be deemed a shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every sum of the prescribed amount so subscribed by him : 5

8.  
Registry  
of Share-  
holders.

The Company shall keep a book, to be called the " Register of Shareholders ;" and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons, being shareholders of the Company, the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares ; and such book shall be authenticated by the common seal of the Company being affixed thereto ; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the Company, and so from time to time at each ordinary meeting of the Company : 10 15 20

9.  
Addresses of  
Shareholders.

In addition to the said Register of Shareholders, the Company shall provide a book, to be called the " Shareholders' Address-book," in which the secretary shall from time to time enter the places of abode of the several shareholders of the Company, so far as the same shall be known to the Company ; and every shareholder, or if such shareholder be a corporation, the clerk or agent of such corporation, may at all convenient times peruse such book gratis, and may require a copy thereof, or of any part thereof ; and for every hundred words so required to be copied, the Company may demand a sum not exceeding Sixpence : 25 30

10.  
Certificates of  
Shares, to be  
issued to the  
Shareholders.

On demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder ; and such certificate shall have the common seal of the Company affixed thereto ; and such certificate shall specify the share in the undertaking to which such shareholder is entitled ; and the same may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect ; and for such certificate the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding *Two Shillings and Sixpence* : 35

The

The said certificate shall be admitted in all Courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof:

11.  
Certificate to  
be Evidence.

If any such certificate be worn out or damaged, then upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the directors, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the secretary in the Register of Shareholders; and for every such certificate so given or exchanged, the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding *Two Shillings and Sixpence*.

12.  
Certificate to  
be renewed  
when de-  
stroyed.

AND with respect to the Transfer or Transmission of Shares;  
BE it Enacted, as follows:

Subject to the regulations herein or in the Special Act contained, every shareholder may sell and transfer all or any of his shares in the Undertaking, or all or any part of his interest in the capital stock of the Company, in case such shares shall under the provisions herein- after contained be consolidated into capital stock; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated; and such deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like effect:

13.  
Transfer of  
Shares to be  
by deed  
duly stamped.

Whereas there may be hereafter many shareholders of the Company who reside in England, and sales of shares are frequently made by persons in England to persons in Scotland, and vice versa, and it would be attended with inconvenience if all transfers of shares were required to be executed according to the forms of the law of Scotland; All transfers of shares of the said Company shall be valid and effectual if executed according to the usual mode of executing such instruments either in England or Scotland, or partly according to the one and partly according to the other:

14.  
Regulating  
Form of  
Transfers of  
Shares.

The said deed of transfer (when duly executed) shall be delivered to the secretary, and be kept by him; and the secretary shall enter a memorial thereof in a book, to be called the "Register of Transfers," and shall endorse such entry on the deed of transfer, and

15.  
Transfers of  
Shares to be  
registered,  
&c.

shall on demand deliver a new certificate to the purchaser ; and for every such entry and endorsement and certificate the Company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding *Two Shillings and Sixpence* ; and on the request of the purchaser of any share, an endorsement of such transfer shall be made on the certificate of such share, instead of a new certificate being granted ; and such endorsement being signed by the secretary shall be considered in every respect the same as a new certificate ; and until such transfer has been so delivered to the secretary as aforesaid, the vendor of the share shall continue liable to the Company for any calls that may be made upon such share, and the purchaser of the share shall not be entitled to receive any share of the profits of the Undertaking, or to vote in respect of such share :

16.  
Transfers not  
to be made  
until Calls  
paid.

No shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him :

17.  
Closing of  
Transfer  
Books.

It shall be lawful for the directors to close the Register of Transfers for the prescribed period, or if no period be prescribed, then for a period not exceeding *Fourteen Days* previous to each ordinary meeting, and they may fix a day for the closing of the same, of which *Seven Days*' notice shall be given by advertisement in some newspaper, as after mentioned ; and any transfer made during the time when the transfer books are so closed, shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting :

18.  
Transmission  
of Shares by  
other means  
than transfer,  
to be authen-  
ticated by a  
Declaration.

If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this or the Special Act ; such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors shall require ; and every such declaration shall state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be made and signed by some credible person before a Sheriff or Justice ; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register of Shareholders ; and for every such entry the Company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed, then not exceeding *Five Shillings*, and until such transmission has been so authenticated, no person claiming by virtue of any such transmission shall be entitled to receive any share of the

the profits of the Undertaking, nor to vote in respect of any such share as the holder thereof:

5 If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, obtained from any  
10 Prerogative Court if granted in England, or a testamentary or testament dative if expedite in Scotland, or an official extract thereof, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid, the secretary shall make an entry of the declaration in the said Register of Transfers:

19.  
Proof of  
Transmission  
by Marriage,  
Will, &c.

15 The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Company, or if it stands in the names of more parties than one, the receipt of the  
20 party first named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts; and the Company  
25 shall not be bound to see to the application of the money paid upon such receipt.

20.  
Company not  
bound to re-  
gard Trusts.

AND with respect to the payment of Subscriptions, and the means of enforcing the payment of Calls; BE it Enacted, as follows:

30 The several persons who have subscribed any money towards the Undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Company, at such times and places as shall be appointed by the Company; and with respect to the provisions herein or in the Special Act contained for enforcing the  
35 payment of calls, the word "Shareholder" shall extend to and include the legal personal representatives of such shareholder:

21.  
Subscriptions  
to be paid  
when called  
for.

40 It shall be lawful for the Company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that *Twenty-one Days'* notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be not made at less than the pre-

22.  
Power to  
make Calls.

scribed interval, if any, and that the aggregate amount of calls made in any one year do not exceed the prescribed amount, if any; and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time appointed by the Company :

5

23.  
Interest to be  
paid on Calls  
unpaid.

If before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment :

10

24.  
Power to  
allow Interest  
on payment of  
Subscriptions  
before Call.

It shall be lawful for the Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the monies due upon their respective shares beyond the sums actually called for; and upon the principal monies so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest, for the time being, as the shareholder paying such sum in advance and the Company shall agree upon :

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25.  
Enforcement  
of Calls by  
Action.

If at the time appointed by the Company for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the Company to sue such shareholder for the amount thereof, in any court of law or equity having competent jurisdiction, and to recover the same, with lawful interest, from the day on which such call was payable :

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25

26.  
Averment in  
Action for  
Calls.

In any action or suit to be brought by the Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defender is the holder of One share or more in the Company (stating the number of shares), and is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of One call or more upon One share or more (stating the number and amount of each of such calls), whereby an action hath accrued to the Company by virtue of this and the Special Act :

30

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27.  
Matter to be  
proved in  
Action for  
Calls.

On the trial or hearing of such action or suit, it shall be sufficient to prove that the defender, at the time of making such call, was a holder of One share or more in the Undertaking, and that such call was in fact made, and such notice thereof given as is directed by this or the Special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled

40

to

to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or  
 5 that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period :

The production of the Register of Shareholders shall be *prima facie* evidence of such defender being a shareholder, and of the number and amount of his shares.

28.  
Proof of Proprietorship.

10 AND with respect to the Forfeiture of Shares for non-payment of Calls ; BE it Enacted, as follows :

If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of *Two Months* from the day appointed  
 15 for payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the Company have sued for the amount of such call or not :

29.  
Forfeiture of Shares for non-payment of Calls.

Before declaring any share forfeited, the directors shall cause notice of such intention to be left at or transmitted by the post to  
 20 the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the Shareholders' Address Book, or otherwise, or if the  
 25 interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong,  
 30 shall not be known to the directors, the directors shall give public notice of such intention in the *Edinburgh Gazette*, and also in some newspaper, as after mentioned, and the several notices aforesaid shall be given *Twenty-one Days* at least before the directors shall make such declaration of forfeiture :

30.  
Notice of Forfeiture to be given before Declaration thereof.

35 The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the Company, to be held after the expiration of *Two Months* at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and, by an

31.  
Forfeiture to be confirmed by a General Meeting.

9.

B

order

order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of:

32.  
Sale of forfeited Shares.

After such confirmation as aforesaid, it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract; and if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold : 5

33.  
Evidence as to forfeiture of Shares.

A declaration in writing, by some credible person not interested in the matter, made before any Sheriff or Justice, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the treasurer of the Company for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale : 10 15 20

34.  
No more Shares to be sold than sufficient for payment of Calls.

The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter : 25

35.  
On payment of Calls before sale, forfeited Shares to revert.

If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid : 30

36.  
Limiting responsibility of shareholders.

If the said Company shall be incorporated, no person or corporation, nor the estate real or personal of any such person or corporation, who is or shall be a proprietor of the said incorporated Company, shall be liable for, or charged with, the payment of any debt or demand whatsoever due, or to become due, by or from the said Company, beyond the extent of his or their share in the capital of the said Company. 35

AND

AND with respect to the remedies of Creditors of the Company against the Shareholders ; BE it Enacted, as follows :

5 If any legal diligence or execution shall have been issued against the property or effects of the Company, and if there cannot be found sufficient whereon to lay such diligence or execution, then such diligence or execution may be used against any of the shareholders, to the extent of their shares respectively in the capital of the Company not then paid up ; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their  
10 respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register of Shareholders without fee :

37.  
Execution against Shareholders to the extent of their Shares in Capital not paid up.

15 If by means of any such diligence or execution, any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the Company.

38.  
Reimbursement of such Shareholders.

AND with respect to the borrowing of Money by the Company on Mortgage or Bond ; BE it Enacted, as follows :

20 If the Company be authorized by the Special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the Special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order of a general meeting of the Company, be authorized to be borrowed, not exceeding in the whole the sum prescribed by the Special Act, and for  
25 securing the repayment of the money so borrowed with interest, to mortgage the Undertaking, and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned :

39.  
Power to borrow Money.

30 If after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the Company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time ; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the Company, unless the money be so re-borrowed in order to pay off any existing bond or security :

40.  
Power to re-borrow.

35 Where by the Special Act the Company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the Special Act the authority of a general meeting is required for such borrowing, the certificate of a Sheriff that such definite portion of the capital has been subscribed or paid up, and a copy of the  
40 order of a general meeting of the Company authorizing the borrowing of any money, certified by One of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact

41.  
Evidence of authority for borrowing.

of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made, and upon production to any Sheriff of the books of the Company, and of such other evidence as he shall think sufficient, such Sheriff shall grant the certificate as aforesaid :

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42.  
Mortgages  
and Bonds  
to be by Deed  
duly stamped.

Every mortgage and bond for securing money borrowed by the Company shall be by deed under the common seal of the Company, duly stamped, and wherein the consideration shall be truly stated; and every such mortgage deed or bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like effect; and every such mortgage shall have the full effect of an assignation in security :

10

43.  
Rights of  
Mortgagees.

The respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest without any preference one above another, by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized :

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44.  
Application  
of calls, not-  
withstanding  
Mortgage.

No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the Company from receiving and applying to the purposes of the Company any calls to be made by the Company :

45.  
Mortgages  
to be per-  
sonal estate.

All mortgages and money lent on mortgage to the Company shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

25

46.  
Rights of  
Obligees.

The respective obligees in such bonds shall, proportionally, according to the amount of the monies secured thereby, be entitled to be paid out of the tolls or other property or effects of the Company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another, by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever :

30

47.  
Register of  
Mortgages  
and Bonds.

A Register of Mortgages and Bonds shall be kept by the secretary, and within Fourteen Days after the date of any such mortgage or bond, an entry or memorial, specifying the number and date of such mortgage or bond, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the Company, or by any person interested in any such mortgage or bond, without fee or reward :

35

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Any

Any party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person ; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated ; and every such transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like effect :

48.  
Transfer of  
Mortgages  
and Bonds  
to be by Deed  
duly stamped.

Within *Thirty Days* after the date of every such transfer, if executed within the United Kingdom, or otherwise within *Thirty Days* after the arrival thereof in the United Kingdom, it shall be produced to the secretary, and thereupon the secretary shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage ; and after such entry, every such transfer shall entitle the transferee to the full benefit of the original mortgage or bond in all respects ; and no party having made such transfer shall have power to make void, release or discharge the mortgage or bond so transferred, or any money thereby secured ; and for such entry the Company may demand a sum not exceeding the prescribed sum, or where no sum shall be prescribed, the sum of *Two Shillings and Sixpence* ; and until such entry, the Company shall not be in any manner responsible to the transferee in respect of such mortgage :

49.  
Transfers of  
Mortgages  
and Bonds  
to be regis-  
tered.

The interest of the money borrowed upon any such mortgage or bond shall be paid at the periods appointed in such mortgage or bond, and if no period be appointed, half-yearly, to the several parties entitled thereto, and in preference to any dividends payable to the shareholders of the Company :

50.  
Payment of  
Interest on  
Monies  
borrowed.

The interest on any such mortgage or bond shall not be transferable, except by deed duly stamped :

51.  
Transfers of  
Interest to be  
stamped.

The Company may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereof, and in such case the Company shall cause such period to be inserted in the mortgage-deed or bond ; and upon the expiration of such period, the principal sum, together with the arrears of interest thereon, shall be paid to the party entitled to such mortgage or bond :

52.  
Repayment of  
Money bor-  
rowed at a  
time fixed.

If no time be fixed in the mortgage deed or bond for the repayment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration or at any time after the expiration of *Twelve Months* from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving *Six Months'* previous notice for that purpose ; and in the like case the Company may at any time pay off the money

53.  
Repayment of  
Money bor-  
rowed where  
no time fixed.

money borrowed, on giving the like notice; and every such notice shall be in writing or print or both, and if given by a mortgagee or bond creditor, shall be delivered to the secretary, or left at the principal office of the Company, and if given by the Company, shall be given either personally to such mortgagee, or bond creditor, or left at his residence, or if such mortgagee or bond creditor be unknown to the directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *Edinburgh Gazette*, and in some newspaper as after mentioned :

54.  
Interest to  
cease on expi-  
ration of no-  
tice to pay off  
Mortgage or  
Bond.

If the Company shall have given notice of their intention to pay off any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Company shall fail to pay the principal and interest due at the expiration of such notice on such mortgage or bond :

55.  
Arrears of  
Interest, when  
to be enforced  
by appoint-  
ment of a  
Judicial  
Factor.

Where by the Special Act the mortgagees of the Company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages by the appointment of a Judicial Factor, then if within *Thirty Days* after the interest accruing upon any such mortgage or bond has become payable, and after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any competent court, require the appointment of a Judicial Factor, by an application to be made as hereinafter provided ; and if within *Six Months* after the principal money owing upon any such mortgage or bond has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent court, may, if his debt amount to the prescribed sum alone, or if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid, shall, together with his, amount to the prescribed sum, require the appointment of a Judicial Factor, by an application to be made as hereinafter provided :

Arrears of  
Principal and  
Interest.

56.  
Appointment  
of Judicial  
Factor.

Every application for a Judicial Factor in the cases aforesaid, shall be made to the Court of Session, and on any such application so made, and after hearing the parties, it shall be lawful for the said Court, by order in writing, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case

case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid be fully paid ; and upon such appointment being made, all such tolls and sums of money as aforesaid shall be paid to and received by the person so to be appointed, and  
 5 the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such Judicial Factor shall have been appointed ; and after such interest and costs, or such principal, interest and costs, have been so received,  
 10 the power of such Judicial Factor shall cease, and he shall be bound to account to the Company for his intromissions, or the sums received by him, and to pay over to their Treasurer any balance that may be in his hands :

At all reasonable times the books of account of the Company shall be open to the inspection of the respective mortgagees and  
 15 bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

57.  
Access to  
Account-  
books by  
Mortgagees.

AND with respect to the conversion of the borrowed Money into Capital ; BE it Enacted, as follows :

It shall be lawful for the Company, if they think fit, unless it be  
 20 otherwise provided by the Special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the Company, instead of borrowing the same, or, having borrowed the same, to continue at interest only a part of such additional sum,  
 25 and to raise part thereof, by creating new shares ; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the Company :

58.  
Power to  
convert Loan  
into Capital.

The capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the  
 30 same provisions in all respects, whether with reference to the payment of calls, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital, except as to the times of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the Company  
 35 from time to time to fix as they shall think fit :

59.  
New Shares  
to be con-  
sidered same as  
original  
Shares.

If at the time of any such augmentation of capital taking place by the creation of new shares, the then existing shares be at a premium, or of greater actual value than the nominal value thereof, then, unless it be otherwise provided by the Special Act, the sum so to be raised shall  
 40 be divided into shares of such amount as will conveniently allow the same to be apportioned among the then shareholders, in proportion to the existing shares held by them respectively ; and such new shares

60.  
If old Shares  
at Premium,  
new Shares  
to be offered  
to original  
Shareholders.

shall be offered to the then shareholders in the proportion aforesaid ; and such offer shall be made by letter, under the hand of the secretary, given to or sent by post, addressed to each shareholder, according to his address in the Shareholders' Address Book, or left at his usual or last place of abode :

5.

61.  
Shares to  
vest in the  
parties ac-  
cepting ;  
otherwise to  
be disposed  
of by the  
Directors.

The said new shares shall vest in and belong to the shareholders, who shall accept the same, and pay the value thereof to the Company at the time and by the instalments which shall be fixed by the Company ; and if any shareholder fail, for One Month after such offer of new shares, to accept the same, and pay the instalments called for 10.  
in respect thereof, it shall be lawful for the Company to dispose of such shares in such manner as they shall deem most for the advantage of the Company :

62.  
If not at a  
Premium, to  
be issued as  
Company  
think fit.

If at the time of such augmentation of capital taking place, the existing shares be not at a premium, then such new shares may be of 15.  
such amount, and may be issued in such manner, and on such terms, as the Company shall think fit.

AND with respect to the consolidation of the Shares into Stock ;  
BE it Enacted, as follows :

63.  
Power to  
consolidate  
Shares into  
Stock.

It shall be lawful for the Company, from time to time, with the 20.  
consent of *Three-fifths* of the votes of the shareholders present, in person or by proxy, at any general meeting of the Company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of the Company, and in respect whereof the whole money subscribed shall have 25.  
been paid up, into a general capital stock, to be divided amongst the shareholders, according to their respective interests therein :

64.  
Proprietors of  
Stock may  
transfer the  
same.

After such conversion or consolidation shall have taken place, all the provisions contained in this or the Special Act, which require or imply that the capital of the Company shall be divided into shares of any 30.  
fixed amount, and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect, and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner and subject to the same 35.  
regulations and provisions as or according to which any shares in the capital of the Company might be transferred under the provisions of this or the Special Act, and the Company shall cause an entry to be made in some book, to be kept for that purpose, of every such transfer ; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, a sum not exceeding *Two Shillings and Sixpence* :

The

The Company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called

5 "The Register of Holders of Consolidated Stock," and such book shall be accessible at all seasonable times to the several holders of shares or stock in the Undertaking :

65.  
Register of  
Stock.

The several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to the

10 amount of their respective interests in such stock ; and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of directors, and for other purposes, as would have been con-

15 ferred by shares of equal amount in the capital of the Company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or

20 advantages respectively :

66.  
Proprietors of  
Stock entitled  
to Dividends.

And be it Enacted, That all the money raised by the Company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the Special Act, and all expenses incident thereto ; and,

25 secondly, in carrying the purposes of the Company into execution.

67.  
Application of  
Capital.

AND with respect to the General Meetings of the Company, and the exercise of the right of voting by the shareholders ; BE it Enacted, as follows :

The first general meeting of the shareholders of the Company

30 shall be held within the prescribed time, or if no time be prescribed, within *One Month* after the passing of the Special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed, in the months of February and August in each year, or at such other stated periods as shall be

35 appointed for that purpose by an order of a general meeting ; and the meetings so appointed to be held as aforesaid shall be called " Ordinary Meetings ;" and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any ; and if no place be prescribed, then at some place to be appointed by the directors :

68.  
Ordinary  
Meetings to  
be held half-  
yearly.

No matters, except such as are appointed by this or the Special Act to be done at an ordinary meeting, shall be transacted at any

9. C such

69.  
Business at  
Ordinary  
Meetings.

such meeting, unless special notice of such matters have been given in the advertisement convening such meeting :

70.  
Extraordi-  
nary Meet-  
ings.

Every general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting;" and such meetings may be convened by the directors at such times as they think fit : 5

71.  
Business at  
extraordinary  
Meetings.

No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened :

72.  
Extraordi-  
nary Meetings  
convened by  
Shareholders.

It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for *Twenty* or more shareholders, holding in the aggregate not less than *One-tenth* of the capital of the Company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the Company ; and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the Company, or given to at least *Three* directors, or left at their last or usual places of abode ; and forthwith, upon the receipt of such requisition, the directors shall convene a meeting of the shareholders ; and if, for *Twenty-one Days* after such notice, the directors fail to call such meeting, the prescribed number of shareholders, qualified as aforesaid, may call such meeting, by giving *Fourteen Days'* public notice thereof : 10 15 20

73.  
Notice of  
Meetings.

*Ten Days'* public notice at the least of all meetings, whether ordinary or extraordinary, shall be given by advertisement, which shall specify the place, the day, and the hour of meeting ; and every notice of an extraordinary meeting, or of an ordinary meeting, if any other business than the business hereby or by the Special Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called : 25 30

74.  
Quorum for  
a General  
Meeting.

In order to constitute a meeting (whether ordinary or extraordinary) there shall be present, either personally or by proxy, the prescribed quorum ; and if no quorum be prescribed, then shareholders holding in the aggregate not less than *One-twentieth* of the capital of the Company, and being in number not less than one for every *Five hundred Pounds* of such required proportion of capital, unless such number would be more than *Twenty* ; in which case *Twenty* shareholders, holding not less than *One-twentieth* of the capital of the Company, shall be the quorum ; and if within *One Hour* from the time appointed for such meeting the said quorum be not present, no business shall be transacted at the meeting, other than the declaring of a dividend in case 35 40

case that shall be one of the objects of the meeting, but such meeting shall, except in the case of a meeting for the election of directors hereinafter mentioned, be held to be adjourned sine die :

At every meeting of the Company one or other of the following  
5 persons shall preside as chairman ; that is to say, the chairman of the directors, or, in his absence, the deputy chairman (if any), or in the absence of the chairman and deputy chairman, some one of the directors of the Company, to be chosen for that purpose by the meeting ; or in the absence of the chairman and deputy chairman  
10 and of all the directors, any shareholder to be chosen for that purpose by a majority of the shareholders present at such meeting :

75.  
Chairman at  
General  
Meetings.

The shareholders present at any such meeting shall proceed in the execution of the powers of the Company with respect to the matters for which such meeting shall have been convened, and those only,  
15 and every such meeting may be adjourned from time to time and from place to place, and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place :

76.  
Business at  
Meetings and  
adjournments.

At all general meetings of the Company every shareholder shall  
20 be entitled to vote according to the prescribed scale of voting, and where no scale shall be prescribed, every shareholder shall have One Vote, for every share up to *Ten*, and he shall have an additional vote for every *Five* shares beyond the first *Ten* shares held by him up to *One hundred*, and an additional vote for every *Ten* shares held  
25 by him beyond the first Hundred shares : Provided always, That no shareholder shall be entitled to vote at any meeting, unless he shall have paid all the calls then due upon the shares held by him :

77.  
Votes of  
Shareholders.

The votes may be given either personally or by proxies, being shareholders, authorized by writing, according to the form in the  
30 Schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal ; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote not only as a principal and  
35 proxy, but to have a casting vote, if there be an equality of votes :

78.  
Manner of  
voting.

No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the Company within the prescribed period, or if no period be prescribed, not less than *Forty-eight* Hours before the time appointed for  
40 holding the meeting at which such proxy is to be used :

79.  
Regulations  
as to Proxies.

80.  
Votes of Joint  
Shareholders.

If several persons be jointly entitled to a share, the person whose name stands first in the Register of Shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be 5 allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof :

81.  
Votes of  
Lunatics and  
Minors, &c.

If any shareholder be a lunatic or idiot, fatuous or furious person, such lunatic or idiot, fatuous or furious person, may vote by his tutor, curator or other person appointed to manage his estate; and 10 if any shareholder be a minor, he may vote by his tutors or curators, or any one of them; and every such vote may be given either in person or by proxy :

82.  
Proof of a  
particular  
majority of  
Votes only  
required in  
the event of  
a Poll being  
demanded.

Whenever in this or the Special Act the consent of any particular majority of votes, at any meeting of the Company, is required, in 15 order to authorize any proceeding of the Company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting, and if such poll be not demanded, then a declaration by the chairman, that the resolution authorizing such proceeding has been carried, and an entry to that effect in the 20 book of proceedings of the Company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

AND with respect to the appointment and rotation of Directors ;  
BE it Enacted, as follows :

83.  
Number of  
Directors.

The number of directors shall be the prescribed number : 25

84.  
Power to  
vary the  
Number of  
Directors.

Where the Company shall be authorized by the Special Act to increase or to reduce the number of the directors, it shall be lawful for the Company from time to time in General Meeting, after due notice for that purpose, to increase or reduce the number of the 30 directors, within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum of their meetings :

85.  
Election of  
Directors.

The directors appointed by the Special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting 35 to be held in the year next after that in which the Special Act shall have passed; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the Special Act, or any number of them, or may elect a new body of directors, or directors to supply the places of those

those not continued in office, the directors appointed by the Special Act being eligible as members of such new body; and at the first ordinary meeting to be held every year thereafter, the shareholders present, personally or by proxy, shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions hereinafter contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, as hereinafter mentioned :

10 If at any meeting at which an election of directors ought to take place, the prescribed quorum shall not be present, within *One Hour* from the time appointed for the meeting, no election of directors shall be made, but such meeting shall stand adjourned to the following day, at the same time and place; and if at the meeting so adjourned, the prescribed quorum be not present, within *One Hour* from the time appointed for the meeting, the existing directors shall continue to act and retain their powers until new directors be appointed at the first ordinary meeting of the following year :

86.  
Existing  
Directors  
continued, on  
failure of  
Meeting for  
Election of  
Directors.

20 No person shall be capable of being a director unless he be a shareholder, nor unless he be possessed of the prescribed number, if any, of shares; and that no person holding an office or place of trust or profit under the Company, or interested in any contract with the Company, shall be capable of being a director; and that no director shall be capable of accepting any other office or place of trust or profit under the Company, or of being interested in any contract with the Company, during the time he shall be a director :

87.  
Qualification  
of Directors.

30 If any of the directors at any time subsequently to his election, accept or continue to hold any other office or place of trust or profit under the Company, or be either directly or indirectly concerned in any contract with the Company, or participate in any manner in the profits of any work to be done for the Company, or if such director at any time cease to be a holder of the prescribed number of shares in the Company, then in any of the cases aforesaid, the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director :

88.  
Cases in  
which Office  
of Director  
shall become  
vacant.

40 Provided always, That no person being a shareholder, or member of any incorporated Joint Stock Company shall be disqualified or prevented from acting as a director by reason of any contract entered into between such Joint Stock Company and the Company incorporated by the Special Act; but no such director, being a shareholder or member of such Joint Stock Company, shall vote

89.  
Shareholder  
of an incor-  
porated Joint  
Stock Com-  
pany not dis-  
qualified by  
reason of  
Contracts.

on any question as to any contract with such Joint Stock Company :

90.  
Rotation of  
Directors.

The directors appointed by the Special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision hereinbefore contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following; the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree; (that is to say) 10

At the end of the first year, after the first election of directors, the prescribed number, and if no number be prescribed, One-third of such directors, to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office; 15

At the end of the second year, the prescribed number, and if no number be prescribed, One-half of the remaining number of such directors, to be determined in like manner, shall go out of office;

At the end of the third year, the prescribed number, and if no number be prescribed, the remainder of such directors shall go out of office; 20

And in each instance, the places of the retiring directors shall be supplied by an equal number of qualified shareholders; and at the first ordinary meeting in every subsequent year, the prescribed number, and if no number be prescribed, *One-third* of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless, every director so retiring from office may be re-elected immediately or at any future time; and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, That if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly *One-third* as may be, shall go out of office, so that the whole number shall go out of office in *Three Years*: 25 30 35

91.  
Supply of  
occasional  
Vacancies in  
Office of  
Directors.

If any director die or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in 40

in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

AND with respect to the powers of the Directors, and the powers  
5 of the Company to be exercised only in general meetings; BE it Enacted, as follows :

10 The directors shall have the management and superintendence of the affairs of the Company, and they may lawfully exercise all the powers of the Company, except as to such matters as are directed  
15 by this or the Special Act to be transacted by a general meeting of the Company ; but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the Special Act ; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting  
specially convened for the purpose, but not so as to render invalid  
any act done by the directors prior to any resolution passed by such general meeting :

92.  
Powers of  
the Company  
to be exer-  
cised by the  
Directors.

20 Except as otherwise provided by the Special Act, the following powers of the Company ; (that is to say) the choice and removal  
of the directors, except as hereinbefore mentioned, and the increasing  
or reducing of their number, where authorized by the Special Act ;  
the choice of auditors ; the determination as to the remuneration  
of the directors, auditors, treasurer and secretary ; the determination  
25 as to the amount of money to be borrowed on mortgage ; the determination as to the augmentation of capital ; and the declaration  
of dividends, shall be exercised only at a general meeting of the Com-  
pany.

93.  
Powers of  
the Company  
not to be  
exercised by  
the Directors.

AND with respect to the proceedings and liabilities of the Directors ;  
BE it Enacted, as follows :

30 The directors shall hold meetings at such times as they shall appoint for the purpose, and they may meet and adjourn as they think proper from time to time, and from place to place ; and at  
any time any Two of the directors may require the secretary to  
call a meeting of the directors ; and in order to constitute a meeting  
35 of directors, there shall be present at the least the prescribed quorum,  
and when no quorum shall be prescribed there shall be present  
at least *One-third* of the directors ; and all questions at any such  
meeting shall be determined by the majority of votes of the directors  
present, and in case of an equal division of votes, the chairman  
40 shall have a casting vote, in addition to his vote as one of the  
directors :

94.  
Meetings of  
Directors.

95  
Permanent  
Chairman of  
Directors.

At the first meeting of directors held after the passing of the Special Act, and at the first meeting of the directors held after each annual appointment of directors, the directors present at such meeting shall choose one of the directors to act as chairman of the directors, for the year following such choice; and shall also, if they think fit, choose another director to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign or cease to be a director, or otherwise become disqualified to act, the directors present at the meeting next after the occurrence of such vacancy shall choose some other of the directors to fill such vacancy; and every such chairman or deputy chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue, if such death, resignation, removal or disqualification had not happened :

96.  
Occasional  
Chairman of  
Directors.

If at any meeting of the directors neither the chairman nor deputy chairman be present, the directors present shall choose some one of their number to be chairman of such meeting :

97.  
Committees  
of Directors

Powers of  
Committee.

It shall be lawful for the directors to appoint One or more committees consisting of such number of directors as they think fit, within the prescribed limits, if any, and they may grant to such committees respectively power on behalf of the Company to do any acts relating to the affairs of the Company which the directors could lawfully do, and which they shall from time to time think proper to entrust to them :

98.  
Meetings of  
Committee.

The said committees may meet from time to time, and may adjourn from place to place as they think proper, for carrying into effect the purposes of their appointment; and no such committee shall exercise the powers entrusted to them, except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed, then a quorum to be fixed for that purpose by the general body of directors; and at all meetings of the committees, one of the members present shall be appointed chairman, and all questions at any meeting of the committee shall be determined by a majority of votes of the members present; and in case of an equal division of votes, the chairman shall have a casting vote in addition to his vote as a member of the committee :

99.  
Contracts by  
Committee or  
Directors,  
how to be  
entered into.

The power which may be granted to any such committee to make contracts, as well as the power of the directors to make contracts on behalf of the Company, may lawfully be exercised as follows; (that is to say)

With.

5 With respect to any contract which, if made between private persons, would be by law required to be by deed or by agreement in writing, and signed by the parties to be charged therewith, then such committee, or the directors, may make such contract on behalf of the Company, in writing, either under the common seal of the Company, or signed by such committee, or any Two of them, or any Two of the directors, and in the same manner may vary or discharge the same :

10 With respect to any contract which, if made between private persons, would by law be valid, although made by parol only, and not reduced into writing, such committee, or the directors, may make such contract on behalf of the Company, by parol only, without writing, and in the same manner may vary or discharge the same :

15 And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be ; and on any default in the execution of any such contract, either by the Company or any other party  
20 thereto, such actions or suits may be brought either by or against the Company, as might be brought had the same contracts been made between private persons only :

The directors shall cause notes, minutes or copies, as the case may require, of all appointments made or contracts entered into by the  
25 directors, and of the orders and proceedings of all meetings of the Company, and of the directors and committees of directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors ; and every such entry shall be signed by the chairman of such meeting ;  
30 and such entry so signed shall be received as evidence in all courts, and before all Judges, Justices and others, without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the  
35 signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed, until the contrary be proved :

100.  
Proceedings  
to be entered  
in a Book,  
and to be  
Evidence,

All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the

101.  
Informalities  
in appointment of  
Directors not

9.

D

appointment

to invalidate  
Proceedings.

appointment of any such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director :

102.  
Directors not  
to be person-  
ally liable.

Indemnity of  
Directors.

No director, by being party to or executing in his capacity of 5  
director, any contract or other instrument on behalf of the Com-  
pany, or otherwise lawfully executing any of the powers given to  
the directors, shall be subject to be sued or prosecuted, either indi-  
vidually or collectively, by any person whomsoever ; and the bodies  
or goods or lands of the directors shall not be liable to execution of 10  
any legal process by reason of any contract or other instrument so  
entered into, signed or executed by them, or by reason of any other  
lawful act done by them in the execution of any of their powers as  
directors ; and the directors, their heirs, executors and administrators,  
shall be indemnified out of the capital of the Company for all pay- 15  
ments made or liability incurred in respect of any acts done by them,  
and for all losses, costs and damages which they may incur in the  
execution of the powers granted to them ; and the directors for the  
time being of the Company may apply the existing funds and capital  
of the Company for the purposes of such indemnity, and may, if 20  
necessary for that purpose, make calls of the capital remaining  
unpaid, if any.

103.  
Election of  
Auditors.

AND with respect to the appointment and duties of Auditors ; BE  
it Enacted, as follows :

Except where by the special Act auditors shall be directed to be 25  
appointed otherwise than by the Company, the Company shall, at  
the first ordinary meeting after the passing of the Special Act, elect  
the prescribed number of auditors, and if no number is prescribed,  
Two Auditors, in like manner as is provided for the election of  
directors ; and at the first ordinary meeting of the Company in 30  
each year thereafter, the Company shall in like manner elect an  
auditor to supply the place of the auditor then retiring from office,  
according to the provision hereinafter contained ; and every auditor  
elected as hereinbefore provided, being neither removed nor disqua-  
lified, nor having resigned, shall continue to be an auditor until 35  
another be elected in his stead :

104.  
Qualification  
of Auditors.

Where no other qualification shall be prescribed by the Special Act,  
every auditor shall have at least One share in the Undertaking ; and  
he shall not hold any office in the Company, nor be in any other  
manner interested in its concerns, except as a shareholder ;

One

One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority) shall go out of office at the first ordinary meeting in each year ; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new auditor :

105.  
Rotation of  
Auditors.

If any vacancy take place among the auditors in the course of the current year, then, at any general meeting of the Company, the vacancy may, if the Company think fit, be supplied by election of the shareholders :

106.  
Vacancies in  
Office of  
Auditor.

The provision of this Act, respecting the failure of an ordinary meeting at which directors ought to be chosen, shall apply, mutatis mutandis, to any ordinary meeting at which an auditor ought to be appointed :

107.  
Failure of  
Meeting to  
elect Audi-  
tor.

The directors shall deliver to such auditors the half-yearly or other periodical accounts and balance-sheet *Fourteen Days* at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders, as hereinafter provided :

108.  
Delivery of  
Balance-  
sheet, &c., by  
Directors to  
Auditors.

It shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance-sheet required to be presented to the shareholders, and to examine the same :

109.  
Duty of  
Auditors.

It shall be lawful for the auditors to employ such accountants and other persons as they may think proper, at the expense of the Company, and they shall either make a special report on the said accounts, or simply confirm the same ; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

110.  
Powers of  
Auditors.

AND with respect to the accountability of the officers of the Company ; BE it Enacted, as follows :

Before any person entrusted with the custody or control of monies, whether treasurer, collector or other officer of the Company, shall enter upon his office, the directors shall take sufficient security from him for the faithful execution of his office :

111.  
Security to  
be taken  
from Officers  
entrusted  
with money.

Every officer employed by the Company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all monies received by him on behalf of the Company ; and such account shall state how, and to whom, and for what purpose, such monies shall have been disposed of ; and, together with such account, such officer shall deliver the vouchers and receipts for such payments ; and every such officer shall

112.  
Officers to  
account on  
demand.

pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing by him upon the balance of such accounts :

113.  
Summary  
remedy  
against parties  
failing to  
account.

If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same 5  
in his possession or power, or to pay the balance thereof when thereunto required, or if, for *Three* Days after being thereunto required, he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of this or the Special Act, or belonging to the Company, then on complaint thereof being made to the Sheriff or a Justice, such Sheriff or Justice shall summon or order such officer to appear before such Sheriff, if the summons or order be issued by a Sheriff, or before Two or more Justices, if the summons or order be issued by a Justice, at a time and place to be set forth in such summons or order, to answer such charge; and upon the appearance of such officer, or in his absence upon proof that such summons or order was personally served upon him, or left at his last known place of abode, such Sheriff or Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer ; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the Company are in the hands of such officer, or owing by him to the Company, such Sheriff or Justices may order such officer to pay the same ; and if he fail to pay the amount, it shall be lawful for such Sheriff or Justices to grant a warrant to levy the same by poinding and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding *Three* Months : 30

114.  
Officers refusing to  
deliver up  
Documents,  
&c. to be  
imprisoned.

If any such officer refuse or fail to make out such account in writing, or to produce and deliver to the said Sheriff or Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging to the Company, such Sheriff or Justices may lawfully commit such offender to gaol ; and in every such case of commitment, the prisoner shall remain in custody without bail until he have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things, if any, in his possession or power : 40

115.  
Where  
Officer about  
to abscond,  
Warrant may

Provided always, That if any director or other person acting on behalf of the Company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe,

believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Sheriff or a Justice before whom the complaint is made, instead of issuing his summons or order, to issue his warrant for the bringing such officer before him as aforesaid ; but no  
 5 person executing such warrant shall keep such officer in custody longer than *Twenty-four* Hours without bringing him before such Sheriff or Justice to answer to the charge as hereinbefore directed :

be issued in  
the first  
instance.

No such proceeding against or dealing with any such officer as aforesaid shall deprive the Company of any remedy which they might otherwise have against such officer, or any surety of such officer.  
 10

116.  
Sureties not  
to be dis-  
charged.

AND with respect to the keeping of Accounts, and the right of inspection thereof by the Shareholders ; BE it Enacted, as follows :

The directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the Company, by  
 15 the directors and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received or disbursed and paid :

117.  
Accounts to  
be kept.

The books of the Company shall be balanced at the prescribed periods ; and if no periods be prescribed, *Fourteen* Days at least  
 20 before each ordinary meeting ; and forthwith, on the books being so balanced, an exact balance-sheet shall be made up, which shall exhibit a true statement of the capital stock, credits and property of every description belonging to the Company, and the debts due by the Company at the date of making such balance-sheet ; and a distinct view of  
 25 the profit or loss which shall have arisen on the transactions of the Company in the course of the preceding half year ; and previously to each ordinary meeting such balance-sheet shall be examined by the directors, or any *Three* of their number, and shall be signed by the chairman or deputy-chairman of the directors :

118.  
Books to be  
balanced.

The books so balanced, together with such balance-sheet as aforesaid, shall, for the prescribed periods, and if no periods be prescribed, for  
 30 *Fourteen* Days previous to each ordinary meeting, and for *One Month* thereafter, be open for the inspection of the shareholders, at the principal office or place of business of the Company, but the shareholders or loan-creditors shall not be entitled at any time, except during the periods  
 35 aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by *Three* of the directors :

119.  
Inspection of  
Accounts by  
Shareholders  
at stated  
times.

And be it Enacted, That the directors shall produce to the shareholders assembled at such ordinary meeting the said balance-sheet as aforesaid, applicable to the period immediately preceding such meet-

120.  
Balance-sheet  
to be pro-  
duced at the  
Meeting.

ing, together with the report of the auditors thereon, as hereinbefore provided :

121.  
Book-keeper  
to allow  
inspection of  
the Accounts  
at the ap-  
pointed times.

The directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for the purpose ; and every such book-keeper shall permit any shareholder or any loan-creditor to inspect such books, and to take copies or entries therefrom, at any reasonable time during the prescribed periods, and if no periods be prescribed, during *One Fortnight* before and *One Month* after every ordinary meeting ; and if he fail to permit any such shareholder or loan-creditor to inspect such books, or take copies or extracts therefrom, during the periods aforesaid, he shall forfeit to such shareholder or loan-creditor for every such offence a sum not exceeding *Five Pounds*.

AND with respect to the making of Dividends ; BE it Enacted, as follows :

122.  
Previously to  
declaration of  
Dividends, a  
scheme to be  
prepared.

Previously to every ordinary meeting at which a dividend is intended to be declared, the directors shall cause a scheme to be prepared, showing the profits, if any, of the Company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme :

123.  
Dividend not  
to be made  
so as to reduce  
Capital.

The Company shall not make any dividend whereby their capital stock will be in any degree reduced :

124.  
Power to  
Directors to  
set apart a  
fund for  
Contingen-  
cies.

Before apportioning the profits to be divided among the shareholders, the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing or improving the works connected with the Undertaking, or any part thereof, and may divide the balance only among the shareholders :

125.  
Dividend not  
to be paid  
unless all  
Calls paid.

No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

AND with respect to the making of Bye-laws ; BE it Enacted, as follows :

126.  
Power to  
make Bye-  
laws for the  
Officers of the  
Company.

It shall be lawful for the Company from time to time to make such bye-laws as they think fit for the purpose of regulating the conduct of the

the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever; and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the Special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company and a copy of such bye-laws shall be given to every officer and servant of the Company affected thereby:

10 It shall be lawful for the Company, by such bye-laws, to impose such reasonable penalties upon all persons, being officers or servants of the Company, offending against such bye-laws, as the Company think fit, not exceeding Five Pounds for any one offence:

127.  
Fines for  
Breach of  
such Bye-  
laws.

15 All the bye-laws to be made by the Company shall be so framed as to allow the Sheriff or Justices before whom any penalty imposed thereby may be sought to be recovered, to order a part only of such penalty to be paid, if such Sheriff shall think fit:

128.  
Bye-laws to  
be so framed  
as that Penal-  
ties may be  
mitigated.

20 The production of a written or printed copy of the bye-laws of the Company, having the common seal of the Company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

129.  
Evidence of  
Bye-laws.

AND with respect to the settlement of disputes by Arbitration; BE it Enacted, as follows:

25 When any dispute authorized or directed by this or the Special Act to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator, to whom such dispute shall be referred; and after any such appointment shall have been made, 30 neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of *Fourteen Days* after any such dispute shall have arisen, and after a request in writing shall have been made by the other party to appoint an arbitrator, either party fail to appoint 35 such arbitrator, then, upon such failure, the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single arbitrator shall be final:

130.  
Where ques-  
tions are to  
be determined  
by arbitra-  
tion, Arbitra-  
tors to be  
appointed  
within Four-  
teen Days  
after Notice.

40 If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable, or refuse, or for

131.  
Vacancy of  
Arbitrator to  
be supplied.

*Seven Days* neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of *Seven Days* after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed ex-parte; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal or disability as aforesaid : 5

132.  
Appointment  
of Umpire.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters so referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ; and if such umpire shall die or refuse, or for *Seven Days* neglect to act, they shall forthwith after such death, refusal or neglect, appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final : 10 15

133.  
Board of  
Trade em-  
powered to  
appoint an  
Umpire on  
neglect of the  
Arbitrators.

If in either of the cases aforesaid, the said arbitrators shall refuse, or shall, for *Seven Days* after request of either party to such arbitration, neglect to appoint an umpire, it shall be lawful for the Board of Trade, on the application of either party to such arbitration, to appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final : 20

134.  
Power of  
Arbitrator to  
call for  
Books, &c.

The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose; and may also grant diligence for the recovery of such documents as either party may require, or for citing witnesses; and on application to the Lord Ordinary letters of supplement, or such other writ as may be necessary, shall be issued by the Lord Ordinary in support of such diligence : 25 30

135.  
Costs to be in  
the discretion  
of the Arbitrators.

Except where by this or the Special Act it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the arbitrators, shall be in the discretion of the arbitrators.

AND with respect to the giving of Notices; BE it Enacted, as follows : 35

136.  
Service of  
Notices upon  
Company.

Any summons, notice or writ, or other proceeding at law or in equity, requiring to be served upon the Company, may be served by the same being left at the principal office of the Company, or being given personally to the secretary, or in case there be no secretary, then by being given to any one director of the Company.

Notices

- Notices requiring to be served by the Company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the Post, directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery, within the period (if any) prescribed for the giving of such notice; and in proving such service, it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post-office :
- 10 All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the Register of Shareholders; and notice so given shall be sufficient notice to all the proprietors of such share :
- 15 All notices required by this or the Special Act to be given by advertisement shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the Company's principal place of business shall be situated :
- 20 Every summons, demand or notice, or other such document requiring authentication by the Company, may be signed by Two directors, or by the treasurer or the secretary of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print :
- 25 And be it Enacted, That if any person against whom the Company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the Company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration or act of insolvency against such bankrupt or insolvent, to represent the Company, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the Company :
- 30
- 35 And be it Enacted, That if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this or the Special Act, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and, if no such tender shall have been made, it shall be lawful for the defender, by leave of the Court where such action shall be pending, at any time before the
9. E record

137.  
Service by  
Company on  
Shareholders.

138.  
Notices to  
Joint Pro-  
prieters of  
Shares.

139.  
Notice by  
Advertis-  
ment.

140.  
Authentica-  
tion of  
Notices.

141.  
Proof of  
Debts in  
Bankruptcy.

142.  
Tender of  
Amends.

record is closed, to pay into Court such sum of money as he shall think fit; and thereupon such proceedings shall be had as in other cases where defenders are allowed to pay money into Court.

AND with respect to the recovery of Damages not specially provided for; BE it Enacted, as follows :

143.  
Provision for  
Damages not  
otherwise  
provided for.

In all cases where any damages, costs or expenses are by this or the Special Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by the Sheriff or by Two Justices, and if the amount so ascertained be not paid by the Company or other party liable to pay the same within *Seven Days* after demand, the amount may be recovered by pointing and sale of the goods of the Company or other party liable as aforesaid, and the Sheriff or Justices by whom the same shall have been ordered to be paid, or either of them or any other Sheriff or Justice, on application, shall issue their or his warrant accordingly :

144.  
Distress, &c.  
against the  
Treasurer.

If sufficient goods of the Company cannot be found whereon to levy any such damages payable by the Company, the same may be recovered by pointing and sale of the goods of the treasurer of the Company, and the Sheriff or Justices aforesaid, or any other Sheriff or Justice, on application, shall issue their or his warrant accordingly; but no such pointing and sale shall issue against the goods of such treasurer unless *Seven Days'* previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress or pointing and sale as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the Company, coming into his custody or control, or he may sue the Company for the same :

145.  
Method of  
proceeding  
before the  
Sheriff or  
Justices in  
questions of  
Damages, &c.

Where in this or the Special Act any question of expenses, charges or damages is referred to the determination of any Sheriff or any One Justice or more, it shall be lawful for any Sheriff or any Justice, upon the application of either party, to summon the other party to appear before such Sheriff or One Justice, or before Two Justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Sheriff or One Justice, or such Two Justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such Sheriff or Justices, and he or they shall determine the amount thereof:

The

The Company shall publish the short particulars of the several offences for which any penalty is imposed by this or the Special Act, or by any bye-law of the Company affecting other persons than the shareholders, officers or servants of the Company, and of the amount  
 5 of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the Company; and where any such penalties are of local application, shall cause such boards to be  
 10 affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner  
 15 hereinbefore required :

146.  
Publication  
of Penalties.

If any person pull down or injure any board put up or affixed as required by this or the Special Act, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding  
 20 *Five Pounds*, and shall defray the expenses attending the restoration of such board :

147.  
Penalty for  
defacing  
Boards.

Every penalty or forfeiture imposed by this or the Special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding  
 25 before the Sheriff or Two Justices; and on complaint being made to any Sheriff or Justice, he shall issue an order requiring the party complained against to appear before himself, if the order be issued by a Sheriff, or before Two or more Justices if the order be issued by a Justice, at a time and place to be named in such  
 30 order; and every such order shall be served on the party offending, either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any Sheriff or Two Justices to proceed to  
 35 the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before him or them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of One credible Witness or more, it shall be lawful for such Sheriff or Justices to convict the  
 40 offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Sheriff or Justices shall think fit :

148.  
Penalties to  
be summarily  
recovered  
before the  
Sheriff or  
Two Justices.

If forthwith upon any such adjudication as aforesaid, the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid,

149.  
Penalties to  
be levied by  
Distress.

the amount of such penalty and costs shall be levied by pointing and sale, and such Sheriff or Justices, or either of them, or any other Justice shall issue their or his warrant of pointing and sale accordingly :

150.  
Imprison-  
ment in  
default of  
Distress.

It shall be lawful for any such Sheriff or Justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of pointing and sale to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognizance or otherwise, to the satisfaction of the Sheriff or Justices, for his appearance before him on the day appointed for such return, such day not being more than Eight Days from the time of taking such security ; but if, before issuing such warrant of pointing and sale, it shall appear to the Sheriff or Justices, by the admission of the offender or otherwise, that no sufficient pointing and sale can be had within the jurisdiction of such Sheriff or Justices whereon to levy such penalty or forfeiture and costs, he or they may, if he or they think fit, refrain from issuing such warrant ; and in such case, or if such warrant shall have been issued, and upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding *Three Months*, unless such penalty or forfeiture and costs be sooner paid and satisfied :

151.  
Distress, &c.  
how to be  
levied.

Where in this or the Special Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by pointing and sale, such sum of money shall be levied by pointing and sale of the goods and effects of the party liable to pay the same, and the overplus arising from the sale of such goods and effects, after satisfying such sum of money and the expenses of the pointing and sale, shall be returned, on demand, to the party whose goods shall have been seized :

152.  
Distress, &c.  
not unlawful  
for want of  
form.

No pointing and sale levied by virtue of this or the Special Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant or other proceeding relating thereto ; nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him ; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action before the Sheriff Court :

153.  
Application  
of Penalties.

The Sheriff or Justices by whom any such penalty or forfeiture shall be imposed where the application thereof is not otherwise provided for, may

may award not more than One-half thereof to the informer, and shall award the remainder to the Kirk Session of the parish in which the offence shall have been committed, for the benefit of the poor of such parish ; or if the place wherein the offence shall have been committed shall be extra-parochial, then such Sheriff or Justices shall direct such remainder to be applied for the benefit of the poor of such extra-parochial place, or of any adjoining parish or district, and shall order the same to be paid over to the proper officer for that purpose :

No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the Special Act, for any offence made cognizable before the Sheriff or Justices, unless the complaint respecting such offence shall have been made before such Sheriff or some Justice within *Six Months* next after the commission of such offence :

154.  
Penalties to  
be sued for  
within Six  
Months.

If through any act, neglect or default on account whereof any person shall have incurred any penalty imposed by this or the Special Act, any damage to the property of the Company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty ; and the amount of such damages shall, in case of dispute, be determined by the Sheriff or Justices by whom the party incurring such penalty shall have been convicted ; and on non-payment of such damages on demand, the same shall be levied by poinding and sale, and such Sheriff or Justices, or any other Sheriff or Justice, shall issue their or his warrant accordingly :

155.  
Damage to be  
made good in  
addition to  
Penalty.

It shall be lawful for any Sheriff or Justice to summon any person to appear before him as a witness in any matter in which such Sheriff or Justice or Two or more Justices shall have jurisdiction under the provisions of this or the Special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter ; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath, or to give evidence before such Sheriff or Justice or Justices, every such person shall forfeit a sum not exceeding *Five Pounds* for every such offence :

156.  
Penalty on  
Witnesses  
making de-  
fault.

It shall be lawful for any officer or agent of the Company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the Special Act, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some Sheriff or Justice, without any warrant or other authority than this or the Special Act ; and such Sheriff or Justice shall proceed

157.  
Transient  
Offenders.

with all convenient despatch to the hearing and determining of the complaint against such offender :

158.  
Proceedings  
by Sheriff  
need not be in  
writing.

Any Sheriff to whom any application is authorized to be made, and before whom any judicial proceedings shall in consequence take place or become necessary under or by virtue of this or the Special Act, shall and he is hereby authorized and required summarily to call before him all parties who appear to him to be interested therein, and to proceed forthwith to hear *vivâ voce*, and pronounce judgment regarding the matters mentioned in such application or proceeding, or to do the several matters and things required by this Act to be done by him, without waiting the ordinary course of the roll of causes before him, and without written pleadings, or a written record, or reducing any evidence which may be led by either of the parties to writing, unless and except where the said Sheriff shall consider that the matters mentioned in such application or proceedings, can with more advantage be decided with written pleadings and with a written record, in which case he shall proceed to make up a record, and bring the said matters to a conclusion with all convenient despatch ; and the orders and judgments of the said Sheriff, when pronounced without a record, shall be final and conclusive, and not subject to review by suspension or advocacy, or to reduction, on any ground whatever.

159.  
Form of  
Conviction.

The Sheriff or Justice or Justices before whom any person shall be convicted of any offence against this or the Special Act may cause the conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed :

160.  
Proceedings  
not to be  
quashed for  
want of form,  
nor removed  
by advocacy.

No proceeding in pursuance of this or the Special Act shall be quashed or vacated for want of form, nor shall the same be removed by suspension or otherwise into any superior Court :

161.  
Power of  
Appeal to  
Sheriff.

In all cases which may come before any Sheriff Substitute under this or the Special Act in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties, shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within *Seven Days* after a final judgment shall have been pronounced by such Sheriff Substitute, to appeal against the same to the Sheriff of the county, by lodging a minute of appeal with the Sheriff Clerk of such county, or his depute, and the said Sheriff shall thereupon review the proceedings of the said Sheriff Substitute, and whole process, and, if he think proper, hear the parties *vivâ voce* thereon, and pronounce judgment, and such judgment shall in no case be subject to review by suspension or advocacy, or to reduction, on any ground whatever :

If

If any person shall think himself aggrieved by any determination or adjudication of any Justice or Two or more Justices, with respect to an y penalty or forfeiture under the provisions of this or the Special Act, he may appeal to the general quarter sessions for the county or place in  
 5 which the cause of appeal shall have arisen ; but no such appeal shall be entertained unless it be made within Four Months next after the making of such determination or adjudication, nor unless Ten Days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor  
 10 unless the appellant forthwith after such notice enter into recognizances with Two sufficient sureties before a Justice conditioned duly to prosecute such appeal, and to abide the order of the Court thereon :

162.  
 Parties allowed to appeal from Justices to Quarter Sessions on giving Security.

At the quarter sessions for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary  
 15 way, or they may, if they think fit, adjourn it to the following sessions ; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant or levied by distress upon his goods to be returned to him, and may also order  
 20 such further satisfaction to be made to the party injured as they may judge reasonable ; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

163.  
 Court to make such Order as they think reasonable.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

164.  
 Act may be amended this Session.

## SCHEDULES

REFERRED TO BY THE FOREGOING ACT.

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### SCHEDULE (A.)

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#### FORM OF CERTIFICATE OF SHARE.

"THE COMPANY."

Number

THIS is to certify, that A. B., of \_\_\_\_\_, is the proprietor of the share, Number \_\_\_\_\_ of "THE COMPANY," subject to the regulations of the said Company. Given under the common seal of the said Company, the day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

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### SCHEDULE (B.)

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#### FORM OF TRANSFER OF SHARES OR STOCK.

I, \_\_\_\_\_, of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ of \_\_\_\_\_, do hereby transfer to the said \_\_\_\_\_ share (or, shares), numbered \_\_\_\_\_ in the Undertaking called "THE COMPANY;" [or, \_\_\_\_\_ Pounds Consolidated Stock in the Undertaking called "THE COMPANY," standing (or part of the Stock standing) in my name in the Books of the Company]; To hold unto the said \_\_\_\_\_, his executors, administrators and assigns [or, successors and assigns], subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said \_\_\_\_\_, do hereby agree to take the said share (or shares), [or, stock], subject to the same conditions. [*Here insert testing clause according to the form of the law of Scotland, if executed in Scotland, and if executed in England, the form of attestation usual in England.*]

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SCHEDULE.

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SCHEDULE (C.)

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FORM OF MORTGAGE DEED.

“ THE COMPANY.”  
Mortgage, Number £.  
BY virtue of [*here name the Special Act*], We, “ THE  
COMPANY,” in consideration of the sum of  
Pounds paid to us by *A. B.*, of , do  
assign unto the said *A. B.*, his executors, administrators and assignees, the said  
Undertaking, [and (*in case such loan shall be in anticipation of the capital*  
*authorized to be raised*) all future calls on shareholders,] and all the tolls and  
sums of money arising by virtue of the said Act, and all the estate, right, title  
and interest of the Company in the same; to hold unto the said *A. B.*, his  
executors, administrators and assigns, until the said sum of  
Pounds, together with interest for the same, at the rate of  
for every One hundred Pounds by the year, be satisfied [the principal sum to  
be repaid at the end of years from the date hereof (*in case any*  
*period be agreed upon for that purpose.*)] In witness whereof, &c. [*here insert*  
*the testing clause of deeds executed in Scotland.*]

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SCHEDULE (D.)

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FORM OF BOND.

“ THE COMPANY.”  
Bond, Number £.  
BY virtue of [*here name the Special Act*], We, “ THE  
COMPANY,” in consideration of the sum of  
Pounds to us in hand paid by *A. B.*, of , do bind ourselves  
and our successors unto the said *A. B.*, his executors, administrators and  
assigns, in the sum of Pounds, to be repaid to the said  
*A. B.*, his executors, administrators or assigns, on the  
day of which will be in the year One thousand eight  
hundred and , with a fifth part more of liquidate penalty in case  
of failure, together with interest for the same, at the rate of  
Pounds per centum per annum, payable half-yearly, on the  
day of and day of .  
In witness whereof, &c. [*here insert the testing clause of deeds executed in*  
*Scotland.*]

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## SCHEDULE (E.)

### FORM OF TRANSFER OF MORTGAGE OR BOND.

I, *A. B.*, of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_ paid to me by *G. H.*, of \_\_\_\_\_ do hereby transfer to the said *G. H.* his executors, administrators and assigns, a certain bond [*or mortgage*] Number \_\_\_\_\_, made by "THE \_\_\_\_\_ COMPANY," to \_\_\_\_\_ bearing date the \_\_\_\_\_ day of \_\_\_\_\_ for securing the sum of \_\_\_\_\_ and \_\_\_\_\_ interest [*or, if such transfer be by indorsement, the within security*], and all my right, estate and interest in and to the money thereby secured [*and, if the transfer be of a mortgage, and in and to the tolls, money and property thereby assigned*]. [*Here insert Scotch testing clause if executed in Scotland, and if executed in England the form of attestation usual in England.*]

## SCHEDULE (F.)

### FORM OF PROXY.

*A. B.*, \_\_\_\_\_, one of the proprietors of "THE \_\_\_\_\_ COMPANY," doth hereby appoint *C. D.*, of \_\_\_\_\_, to be the proxy of the said *A. B.*, in his absence, to vote in his name upon any matter relating to the Undertaking proposed at the meeting of the proprietors of the said Company, to be held on the \_\_\_\_\_ day of \_\_\_\_\_ next, in such manner as he, the said *C. D.*, doth think proper. In witness whereof the said *A. B.* hath hereunto set his hand [*or, if a corporation, say the common seal of the corporation*] the \_\_\_\_\_ day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

## SCHEDULE (G.)

### FORM OF CONVICTION BEFORE

To wit.  
BE it Remembered, That on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_, *A. B.* is convicted before me, *C.*, the Sheriff, or before us, *D.*, *E.*, two of Her Majesty's Justices of the Peace for the county of \_\_\_\_\_ [*here describe the offence generally, and the time and place when and where committed*], contrary to the [*here name the Special Act*]. Given under my hand [*or, under our hands*] the day and year first above written.

*A. B.*  
*C. D.*



*Companies' Clauses Consolidation*  
*(Scotland).*

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A

B I L L

For consolidating in one Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature in Scotland.

*(Prepared and brought in by  
Lord Granville Somerset and the Lord  
Advocate.)*

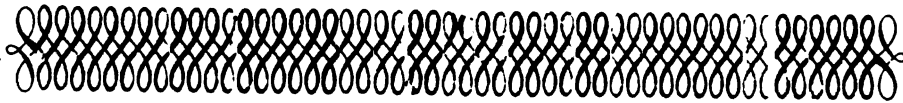
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*Ordered, by The House of Commons, to be Printed,  
6 February 1845.*

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9.  
*Under 8 oz.*



A

# B I L L

To provide for the Payment of Compensation Allowances  
to certain Persons connected with the Courts of Law  
in England for Loss of Fees and Emoluments.

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[Note.—The Words printed in *Italics* are proposed to be inserted in  
the Committee.]

---

**W**H ~~HEREAS~~ the lawful Fees and Emoluments of the Clerks  
of Dispensations and Faculties in Chancery, the Registrar  
of the Cinque Ports, the Clerks of the Petty Sessions at Deptford  
and Clapham, who respectively held or do now hold their offices for  
5 life, have been either wholly abolished or greatly diminished by the  
operation of certain Acts of Parliament, and advances on account of  
compensation have heretofore been made to some of them out of the  
grants of Parliament for Civil Contingencies :

And whereas it is reasonable and just that compensation should be  
10 permanently allowed to the said persons for the loss which they have  
sustained out of the Consolidated Fund of the United Kingdom of  
Great Britain and Ireland ;

~~BE~~ it therefore ~~Enacted~~, by The QUEEN's most Excellent  
MAJESTY, by and with the Advice and Consent of the Lords Spiritual  
15 and Temporal, and Commons, in this present Parliament assem-  
bled, and by the Authority of the same, THAT the Commissioners of  
Her Majesty's Treasury for the time being shall investigate the claims of  
the said officers respectively by such means and in such manner  
as they may think proper ; and if any such claim shall be established  
to the satisfaction of the said Commissioners or any Three of them,

541.

they

Preamble.

Power to the  
Treasury to  
grant Com-  
pensation out  
of the Con-  
solidated  
Fund to  
Clerks of  
Dispensations  
and Faculties  
in Chancery  
and certain  
other Officers  
connected  
with the  
Courts of Law  
in England.

Commission-  
ers of Her  
Majesty's  
Treasury em-  
powered to  
award Com-  
pensation out  
of Consoli-  
dated Fund.

they are hereby authorized and empowered to award to the claimant, by warrant under their hands, such compensation by way of annuity as they shall, under all the circumstances of the case, think him entitled to for the loss sustained ; and such compensation shall commence in each case at such time as the said Commissioners shall think proper, 5 and shall be issued and paid and be payable out of, and be charged and chargeable upon, the Consolidated Fund of the United Kingdom of Great Britain and Ireland : Provided always, That an account of such compensation shall be laid before the Commons' House of Parliament within *Fourteen Days* after the date of the warrant, if Parliament 10 shall be then assembled, and if not, then within *Fourteen Days* after the meeting of Parliament then next following.

# Compensations.

A

## B I L L

To provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in England for Loss of Fees and Emoluments.

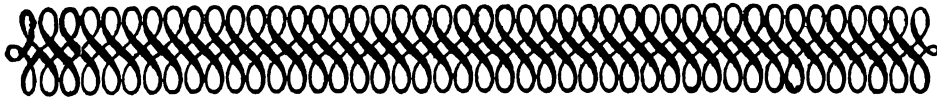
(Prepared and brought in by  
Mr. Greene, Mr. Chancellor of the Exchequer  
and Mr. Cardwell.)

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Ordered, by The House of Commons, to be Printed,  
18 July 1845.

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13 February 1845.—8 VICT.



A

# B I L L

For the Appointment of Constables or other Officers, for  
keeping the Peace near Public Works in Scotland.

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[Note.—The Words printed in *Italics* are proposed to be inserted in  
the Committee.]

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**W** ~~H~~ ~~E~~ ~~R~~ ~~E~~ ~~A~~ ~~S~~ great mischiefs have arisen by the violent and Preamble.  
unlawful behaviour of Labourers and others employed in  
the construction of Railways and other Public Works in Scotland, by  
reason whereof the appointment of additional Constables or Officers  
5 for keeping the Peace, and for the protection of the Inhabitants and  
security of the Property in the neighbourhood of such Public Works,  
is often necessary; and it is expedient that provision should be made  
for the appointment and payment of such additional Constables or  
Officers; ~~B~~ ~~E~~ ~~i~~ ~~t~~ ~~t~~ ~~h~~ ~~e~~ ~~r~~ ~~e~~ ~~f~~ ~~o~~ ~~r~~ ~~e~~ ~~n~~ ~~a~~ ~~c~~ ~~t~~ ~~e~~ ~~d~~, by The QUEEN's most Excellent  
10 MAJESTY, by and with the Advice and Consent of the Lords Spiritual  
and Temporal, and Commons, in this present Parliament assembled,  
and by the Authority of the same, **THAT** from and after the *passing*  
*of this Act* it shall be lawful for the Sheriff of any County in which  
the works of any Railway, Canal or other Public Work of a similar  
15 nature shall be in progress of construction, upon the application of  
the Company or other parties carrying on any such Public Work, or  
of any Two Justices of the Peace of the County, and usually acting  
in the district in or through which any such Public Work may be in  
the course of construction, to appoint from time to time such fit  
20 and proper persons as he may think fit to nominate for that purpose,  
to be Constables or Peace Officers in and for such County,  
within the limits of such Public Works, and within a *Mile* there-  
from, during the construction of such Public Works; and every  
person so appointed shall make a solemn Oath or Declaration, to  
be administered by such Sheriff, duly to execute the office of Con-  
25. stable

1.  
Additional  
Constables or  
Officers may  
be appointed  
by the She-  
riff.

stable or Peace Officer as hereinafter mentioned; and every person so appointed, and having made such declaration, shall have full power to act as a Constable or Peace Officer for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts within the limits of that part of the Public Works for which he shall be so appointed, and within a *Mile* therefrom; and shall have, use, exercise and enjoy all such powers, authorities, protections and privileges in the execution of his office, as belong by law to the office of Constable or Peace Officer within the limits or district for which he is appointed to act, and shall, when required so to do, obey all orders and put in execution all Warrants issued by the Sheriff, and to be executed within such limits or district; and it shall be lawful for the Sheriff, when he shall think fit, to dismiss or remove any such Constable or Police Officer who may have been so appointed, and to appoint another fit and proper person in his stead, and upon every such dismissal or removal, all the powers, authorities, protections and privileges vested by virtue of such appointment in any person so dismissed or removed, shall wholly cease and determine.

2.  
Expense thereof to be paid by the Companies or Parties carrying on such Works.

And be it Enacted, That every person so appointed by any Sheriff to act as Constable or Peace Officer as aforesaid shall, during such time as he shall so act as Constable or Peace Officer, receive from the Company or other parties carrying on such Public Works a reasonable remuneration, not exceeding what is in use to be given to Constables on duty within the same county, and the amount and the time and manner of payment of such remuneration shall be fixed and directed by the Sheriff.

3.  
Remuneration may be recovered by distress.

And be it Enacted, That in all cases where the Company or other parties carrying on any such Public Work, shall refuse or neglect, during *Fourteen Days* next after demand thereof, to pay any such remuneration or any part thereof, as shall by any Sheriff as aforesaid have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the expenses of levying the same, by poinding and sale of the goods and effects of the Company, or other parties liable to pay such remuneration.

4.  
Act may be amended or repealed in the present Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.



**Constables (Scotland.)**

A

**B I L L**

For the Appointment of Constables or other  
Officers for keeping the Peace near Public  
Works in Scotland.

(Prepared and brought in by  
*The Lord Advocate and Sir James Graham.*)

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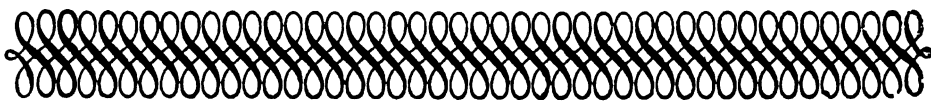
*Ordered, by The House of Commons, to be Printed,  
13 February 1845.*

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25.

*Under 1 02.*

27 June 1845.—9 VICT.



(Ireland.)

A

# B I L L

For the Appointment of additional Constables  
for keeping the Peace near Public Works in  
Ireland.

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[Note.—The Words printed in *Italics* are proposed to be inserted in  
the Committee.]

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- W**H **H**EREBY it is expedient to provide for the Appointment and Payment of additional Head and other Constables for keeping the peace, and for the protection of the Inhabitants and the security of Property, in the neighbourhood of Railway Works and other Public Works in Ireland; **B**E it therefore **E**nacted, by The
- 5 QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, in any case in which
- 10 the Works of any Railway, Canal or other Public Work of a similar nature shall be in progress of construction in Ireland, upon the application of the Company or other parties carrying on any such Public Work, or upon the application of Two or more Justices of the Peace of the county, acting in the Petty Sessions of the district in or through
- 15 which any such Public Work may be in the course of construction, to whom it shall be made appear, on the oath of Two or more credible witnesses, that the appointment of additional Constables for the keeping of the peace and for the protection of the inhabitants, and the security of property in the neighbourhood of such Works, is necessary in consequence of the behaviour or reasonable apprehension
- 20 of the behaviour of the persons employed in said Works, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, if he or they shall so think fit, from time to time to order
417. and

Preamble.

1.  
Additional  
Head and  
other Consta-  
bles may be  
appointed by  
the Lord  
Lieutenant to  
keep the  
peace near  
the works of  
Railways, &c.  
in Ireland.

and direct that, in addition to the number of Head and other Constables whom the said Lord Lieutenant or other Chief Governor or Governors of Ireland is or are authorized to appoint, by virtue of an Act passed in the sixth year of the reign of his late Majesty, intituled,  
 6 Will.4,c.13. " An Act to consolidate the Laws relating to the Constabulary Force in Ireland," and the other Acts amending the same, such number of Head and other Constables as he or they shall think fit, not exceeding in any case the number specified in any such application as aforesaid, shall be appointed and employed during the construction of such Public Works, in aid of and in conjunction with the said Constabulary Force, in such county, county of a city, county of a town or place, near to the said Public Works so in progress of construction as shall be mentioned in the said order, and shall remain there for such length of time or remove to or remain at such other place or places near to such Public Works for such time or times as shall be mentioned or directed by such order, or any other order or orders which may from time to time be made by such Lord Lieutenant or other Chief Governor or Governors, or by the Inspector-General of the said Constabulary Force, under the control and directions of said Lord Lieutenant or other Chief Governor or Governors, and such Constables may in like manner by any such order be reduced in number or wholly removed from the neighbourhood of such Works ; and the Head and other Constables so appointed shall, during the period of such employment, have the same amount of pay and allowances, and the same rights, powers and authorities, privileges and advantages, and be subject to the same provisions and enactments, rules, regulations and orders, and be in all respects in the same situation in the county, county of a city or county of a town in which they shall be stationed, as far as the circumstances of the case will admit, as if they had been appointed to and formed part of the Constabulary Force established in and for such county, county of a city or county of a town.

2.  
 Expense of additional Head and other Constables to be paid by the Company or parties carrying on such Works.

And be it Enacted, That the Inspector-General of the said Constabulary Force, with the assistance of the Receiver of the said Force, shall from time to time, or as often as he shall think convenient, prepare and certify under his hand a detailed account of the expense incurred for the pay, salary, clothing and equipment, lodging and other allowances of such men so appointed and employed as aforesaid, which expense, when approved and certified by the Chief or Under-Secretary of such Lord Lieutenant, or other Chief Governor or Governors, the said Company or parties, or their agent, shall upon demand pay to the said Receiver, to be placed to the credit of the county, county of a city or county of a town in which such Constables as aforesaid shall have been so employed.

And

And be it Enacted, That in all cases where the Company, or other parties carrying on such Public Work, shall refuse or neglect, during *Fourteen* Days next after demand thereof, to pay any such expense, or any part thereof, as shall have been so certified and approved as

5 aforesaid, the same shall and may be sued for in any of the superior courts at the suit of Her Majesty's Attorney-General for Ireland, as a debt due to Her Majesty ; or upon production of such account so certified and approved before any Two Justices of the county, county of a

10 city or county of a town in which such Constables shall have been so employed as aforesaid ; and upon proof on oath of such demand made as aforesaid of such Company or parties, or any officer superintending such Public Works, and upon the application of the said Receiver of the Constabulary Force, or any person by him authorized in writing, it shall be lawful for such Justices, by their warrant under their hands

15 and seals (which they are hereby authorized and required to grant), to cause the amount of such account to be levied, together with the expenses of levying the same, by distress and sale of the goods and chattels of the Company or other parties carrying on such Public Works as aforesaid ; and the surplus, if any, arising from such distress

20 and sale, after deducting the amount of such account, together with the reasonable expenses attendant on such distress and sale, shall be rendered to the said Company or parties.

3.  
Expense may be recovered at the suit of Her Majesty's Attorney-General for Ireland, or by distress and sale of the goods of the Company.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

4.  
Act may be amended, &c. this Session.

*Constables, Public Works  
(Ireland).*

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A

B I L L

For the Appointment of additional Constables  
for keeping the Peace near Public Works  
in Ireland.

*(Prepared and brought in by  
Sir Thomas Fremantle and Mr. Attorney-  
General for Ireland.)*

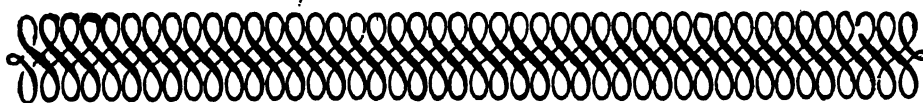
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*Ordered, by The House of Commons, to be Printed,  
27 June 1845.*

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417.

*Under 1 oz.*



(Ireland.)

A

# B I L L

To amend the Laws relating to the Office of Coroner and  
the Expenses of Inquests in Ireland.

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[Note.—The Words and Figures printed in *Italics* are proposed to  
be inserted in the Committee.]

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**W** ~~H~~ ~~E~~ ~~R~~ ~~E~~ ~~A~~ ~~S~~ it is expedient to amend the Laws now in force Preamble.  
in Ireland relating to the Election, Qualification and Pay-  
ment of Coroners, and to the proceedings at Coroners' Inquests, and  
to the payment of Expenses at such Inquests :

- 5 And whereas it is expedient that the several Acts and parts of Acts  
hereinafter mentioned relating to the several matters and things afore-  
said should be repealed ;

- ~~B~~ ~~E~~ ~~it~~ ~~therefore~~ ~~E~~ ~~n~~ ~~a~~ ~~c~~ ~~t~~ ~~e~~ ~~d~~, by The QUEEN's most Excellent MA-  
JESTY, by and with the Advice and Consent of the Lords Spiritual and  
10 Temporal, and Commons, in this present Parliament assembled, and  
by the Authority of the same, *THAT* from and after the *passing of this*  
*Act*, the several Acts and parts of Acts hereinafter mentioned, specified  
and set forth, shall cease and determine, and shall (except only so far  
as is hereinafter excepted and provided for) be repealed ; (that is to say),  
15 an Act passed in the first year of the reign of his late Majesty King  
GEORGE the Fourth, intituled, " An Act to repeal an Act made in the  
fifteenth year of the reign of his late Majesty, for regulating the Fees  
of Coroners in Ireland upon holding Inquisitions, and to make other  
Provisions for that purpose ;" an Act passed in the third year of his said  
late Majesty, intituled, " An Act to regulate the Qualification of Persons  
holding the Office of Coroner in Ireland ;" so much of an Act passed in

1.

1 Geo. 4, c. 28,  
repealed.

3 Geo. 4, c.  
115, repealed.

4 Geo. 4, c. 43,  
sec. 8, 9, 11,  
repealed. the fourth year of his said late Majesty, intituled, "An Act to regulate  
the Amount of Presentments by Grand Juries for Payment of the  
Public Officers of the several Counties in Ireland," as relates to the  
5 Geo. 4, c. 93,  
sec. 3,  
repealed. payment of Coroners ; so much of an Act passed in the fifth year of  
his said late Majesty, intituled, "An Act to amend the Acts of the 5  
last Session of Parliament relating to Presentments by Grand Juries,  
for Payment of the Salaries of Public Officers of the several Counties  
6 Geo. 4, c. 52,  
sec. 2,  
repealed. in Ireland," as relates to the payment of Coroners ; so much of an Act  
passed in the sixth year of his said late Majesty, intituled, "An Act  
to amend an Act of the last Session of Parliament for amending 10  
former Acts relating to Presentments by Grand Juries for Payment  
of the Salaries of Treasurers and Public Officers of the several Counties  
in Ireland," as relates to the Payment of Coroners ; an Act passed  
10 Geo. 4,  
c. 37,  
repealed. in the tenth year of his said late Majesty, intituled, "An Act to amend  
the Laws relating to Coroners in Ireland ;" so much of an Act passed 15  
6 & 7 Will. 4,  
c. 116, sec. 97,  
98, 99, 100,  
repealed. in the sixth and seventh years of the reign of his late Majesty King  
WILLIAM the Fourth, intituled, "An Act to consolidate and amend  
the Laws relating to the Presentment of Public Money by Grand  
Juries in Ireland," as relates to the Payment of Coroners and of Medical  
7 Will. 4, c. 2,  
sec. 6,  
repealed. Witnesses ; so much of an Act passed in the seventh year of his said 20  
late Majesty, intituled, "An Act to amend an Act passed in the  
seventh year of his present Majesty, for consolidating and amending  
the Laws relating to the Presentment of Public Money by Grand  
Juries in Ireland," as relates to the payment of Medical Witnesses at  
7 & 8 Vict.  
c. 106, sec. 32,  
33, 34. Inquests, held by and before Justices of the Peace ; so much of an 25  
Act passed in the seventh and eighth year of Her present Majesty,  
intituled, "An Act to consolidate and amend the Laws for the Regu-  
lation of Grand Jury Presentments in the County of Dublin," as  
relates to the Payment of Coroners, and the summoning and payment  
of Medical Witnesses ; and the said several hereinbefore recited Acts 30  
and parts of Acts are hereby repealed accordingly, save and except so  
far as the said Acts or parts of Acts respectively, or any of them,  
repeal the whole or any part of any other Act or Acts, and save and  
except as to all matters or things done or performed before the passing  
of this Act, which shall be valid as if this Act had not passed. 35

2.  
Justices at  
Sessions to  
divide their  
Counties into  
Districts.

And be it Enacted, That the Justices of the Peace for each county,  
riding or division in Ireland shall, at some one of their general or  
quarter sessions holden after the *passing of this Act*, and before the  
First day of February in the year of our Lord One thousand eight hun-  
dred and Forty-six, and may from time to time thereafter, as occasion 40  
shall require, at any general or quarter sessions, divide their respec-  
tive county, riding or division into such convenient districts as to the  
majority of such Justices shall seem best calculated to carry the pur-  
poses of this Act into effect, according to the number of county Cor-  
oners in such county respectively, and with a due regard to the extent  
of

of the population, to the hazardous nature of the prevailing employments in the respective parts of such county, riding or division, and to the size of such districts ; and the said Justices, so assembled as aforesaid, shall affix to each of such districts the name of some principal parish, township or place within the same ; and they shall fix and determine some convenient place within each such district at which the court for the election of Coroner for such district shall be holden, and shall also fix and determine one or more polling-place or places in each barony comprised within such district at which the poll at such election shall be taken ; and they shall cause a list to be prepared by the Clerk of the Peace of their respective county, containing the names of the several baronies and parishes, or parts of baronies and parishes, as the case may be, in each of the several districts into which their respective county, riding or division shall be divided under the authority of this Act.

And be it Enacted, That the Clerk of the Peace for each county respectively shall lodge or cause to be lodged with the Secretary of the Grand Jury for each such county, riding or division, *Fifteen* clear days at least before the Grand Jury for such county, riding or division shall assemble, a copy of the order made by the Justices at the general or quarter sessions for dividing their county, riding or division into districts as aforesaid, and also a copy of the list containing the names of the several baronies and parishes, or parts of baronies and parishes, as the case may be, comprised in each and every of the districts into which such county shall, by and under the authority of this Act, have been divided, and shall specify in such list the place within each district at which the said Justices shall have appointed the court for the election of Coroner for such district to be holden, and shall also specify the place or places in each barony which the said Justices shall have fixed and determined as the polling-places for every such barony comprised within such district ; and the Secretary of the Grand Jury shall permit the copy of the said order and the copy of the said list to be inspected in his office by any elector of the county, riding or division, or by any Coroner of such county, riding or division at all times between the hours of *Ten* of the clock in the forenoon and *Four* of the clock in the afternoon of each and every day after he shall have received the same ; and shall suffer and allow any such elector or Coroner as aforesaid to make such extracts from such copies, without any fee or reward whatsoever for same, as he or they shall think fit ; and the Secretary of the Grand Jury shall lay the copy of such order and the copy of such list before the Grand Jury for such county, riding or division which shall next assemble ; and the said Grand Jury shall take the said order and the said list into consideration, and shall and may, if they shall deem it right so to do, alter and amend same ; and the said order and the

3.  
The order of  
the Justices  
and List of  
places to be  
laid before  
next General  
Jury for  
approval.

said list, or the said amended order or amended list, shall, when approved of by the said Grand Jury, be signed by the foreman thereof, and transmitted by the Secretary of the Grand Jury to the Clerk of the Peace for such county, who shall enrol the same among the records of such county; and the Clerk of the Peace for such county shall, within *Fifteen* Days after the receipt of the copy of such order and of such list, or of such amended order or amended list, signed by the foreman of the Grand Jury as aforesaid, send or cause to be sent a true copy thereof, certified and signed by him, to each Coroner within the county. 5

4.  
Order for  
division of  
County,  
&c. into  
Districts to be  
valid after  
publication.

And be it Enacted, That when any Grand Jury shall have approved of such order for dividing their respective county, riding or division into districts as aforesaid, and of the list containing the names of the several baronies or parishes, or parts of baronies or parishes, as the case may be, to be comprised within each of such districts, they shall cause a copy of the said order, and a copy of the said list to be inserted *Three* times in some one of the county or other local newspapers which shall have the widest circulation therein, or in case there shall not be any such county or other local newspaper, then a copy of the said order and of the said list shall be inserted *Three* times in the Dublin Gazette; and from and after the publication thereof as aforesaid, each such county, riding or division shall be and be deemed to be divided into districts for all the purposes of this Act, but not otherwise. 10 15 20

5.  
Appointment  
of present  
Coroners to  
Districts.

And be it Enacted, That any such Grand Jury so assembled as aforesaid, shall appoint One of the persons who shall then hold the office of Coroner of their respective county, riding or division, to be the Coroner of and for one of each of the districts to be formed under the authority of this Act; and shall, so far as may be practicable and convenient, appoint such Coroner to that district within which he shall have heretofore acted; and that upon the death or removal of any such Coroner, his successor shall be elected to the office of Coroner, according to the provisions of this Act. 25 30

6.  
Detached  
parts of  
Counties to be  
annexed to  
the adjoining  
County.

And be it Enacted, That all isolated or detached parts of any county, riding or division, shall, for the purposes of this Act, be considered as forming a part of the county, riding or division respectively, whereby such isolated or detached parts shall or may be wholly surrounded; and if any such isolated or detached part shall be surrounded by Two or more counties, ridings or divisions, then as forming a part of that county, riding or division with which such isolated or detached part shall have the longest common boundary. 35 40

7.  
Sheriff to hold  
a Special  
Court for the  
election of  
Coroner.

And be it Enacted, That from and after the division of any county, riding or division into Coroners' districts as aforesaid upon any election of a Coroner for any of such districts, the Sheriff of the county wherein 45

wherein such district shall be situate shall hold a court for such election at the place fixed and determined by the Grand Jury for this purpose as aforesaid, on some day to be by him appointed, which day shall not be less than *Seven Days*, nor more than *Fourteen Days*, after

5 the receipt of the Writ de Coronatore eligendo ; and in case the said election be not then and there determined upon the view, with the consent of the electors there present, but that a poll shall be demanded for determination thereof, then the said Sheriff, or in his absence his Under-Sheriff, shall adjourn the said court to *Eight* of the clock in

10 the forenoon of the next day but one, unless such next day but one shall be Saturday or Sunday, and then to the Monday following ; and the said Sheriff, or in his absence the Under-Sheriff, with such others as shall be deputed by him, shall then and there proceed to take the said poll ; and such polling shall continue for *Two Days* only, for

15 *Eight Hours* in each day ; and no poll shall be opened before *Eight* of the clock in the forenoon, or kept open later than *Four* of the clock in the afternoon of either of the said days.

If election not determined on the View, then to proceed to take a Poll.

Duration of poll.

And be it Enacted, That at any such election of a Coroner for any district, the person so to be elected shall be chosen by the majority of

20 those within the district, who at the time of such election shall be qualified to vote at the election of a Member or Members to serve in Parliament for the county within which such district shall be situate.

8.  
Electors to be qualified.

And be it Enacted, That at every contested election of a Coroner for any district, the Sheriff, or his Under-sheriff, shall, if required by any

25 candidate, or by any person duly authorized acting on his behalf, at any time before the election, and, if not so required, may, if it shall appear to him expedient, cause a booth or booths to be erected for taking the poll at the court, or principal place of election, and also at each of the polling-places within the district appointed by the Grand

30 Jury for the purpose as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several baronies, parishes or places for which such booth is respectively allotted ; and no person shall be permitted to vote at any such election except at the booth so allotted for the barony, parish or place within

35 which he shall reside, or the property with respect to which he claims to vote shall be situate, and if no booth shall be allotted for the same, then at any of the said booths.

9.  
Sheriff to erect Polling Booths.

No Voter to poll out of his District.

And be it Enacted, That, for the more due and orderly proceeding in the said poll, the Sheriff or his Under-sheriff as aforesaid, shall

40 appoint such number of poll-clerks as to him shall seem meet for the taking thereof, which clerks shall take the said poll in the presence of the said Sheriff, or his Under-sheriff, or such person as he shall depute ; and before they begin to take the said poll, every such clerk shall be

10.  
Poll Clerks to be appointed and sworn.

sworn truly and indifferently to take the same, and to set down the names of each elector, and the place of his residence, and for whom he shall poll, and to poll no elector who is not sworn, if required to be sworn by any candidate, or by any person acting on his behalf as aforesaid (and which oaths of the said clerks, the said Sheriff, or his Under-sheriff, is hereby empowered to administer); and the Sheriff, or in his absence his Under-sheriff, shall appoint for each candidate such one person as shall be nominated to him by the candidate, or by the person acting on his behalf as aforesaid, to be inspector of any such clerk; and every elector before he is permitted to poll at such election shall, if required by any candidate, or by the person acting on his behalf as aforesaid, first take the oath in the Schedule (A.) hereto annexed, which oath the Sheriff, or his Under-sheriff, or such sworn clerk as aforesaid, shall have authority to administer.

Inspectors of Poll-clerks to be appointed.

Electors to be sworn.

11.  
Custody of the Poll-books, and declaration of the Poll.

And be it Enacted, That the said poll-clerks shall at the close of the poll enclose and seal their several poll-books, and deliver the same, so enclosed and sealed, to the Sheriff or his Under-sheriff, or to such person as shall be deputed by him for that purpose, who shall give a receipt for the same; and every such person so deputed as aforesaid, when he shall have received any such poll-books, shall forthwith deliver or transmit the same, so enclosed and sealed, to the Sheriff or his Under-sheriff who shall receive and keep all the poll-books unopened until the re-assembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall in open court break the seals thereon, and cast up the number of votes as they appear on the said several books, and openly declare the state of the poll, and make proclamation of the person chosen, not earlier than *Ten* of the clock in the forenoon, nor later than *Two* of the clock in the afternoon of the said day.

12.  
Expenses of Sheriff, &c. to be paid by Candidates.

And be it Enacted, That all the reasonable costs, charges and expenses which the said Sheriff or his Under-sheriff, or other person so deputed by him as aforesaid, shall expend or be put to, in and about the providing of poll-books, booths and clerks (the said clerks not to be paid more than *One Guinea* each per diem), for the purpose of taking the poll at any such election, shall be borne and paid by the several candidates at such election in equal proportions.

13.  
Candidates shall deliver to Sheriff a statement of the Property whereby they mean to qualify.

And be it Enacted, That if at any election of a Coroner for any county, riding or division, or for any district thereof, under the provisions of this Act, there shall be Two or more candidates for the said office, every such candidate shall, *One Day* at the least before he shall be put in nomination as a candidate for the said office, deliver or cause to be delivered to the Sheriff or his Under-sheriff a statement in writing, containing

taining a full and correct account of the nature and quality, name, situation or other description of the property then in his possession and enjoyment, from, out of or by reason of which he is qualified, as hereinafter mentioned, to be elected and chosen, and to hold the said office of Coroner ; and the Sheriff, or his Under-sheriff, shall permit such statement to be inspected and examined by any candidate or elector as aforesaid at all reasonable times before and during such election ; and if any such candidate shall fail to deliver, or cause to be delivered, such statement as aforesaid to the said Sheriff or his Under-sheriff, the said Sheriff or his Under-sheriff shall not allow such candidate to be put in nomination ; and if the said Sheriff or his Under-sheriff shall be called upon by any candidate or any elector so to do, he shall require every such person who shall be a candidate for the said office at such election to take the oath in the Schedule (B.) hereto annexed (which oath the said Sheriff or his Under-sheriff is hereby empowered to administer) as to the nature, name and sufficiency of the property in right of which he is qualified to be chosen as Coroner for such county, riding or division, or any district thereof ; and if such candidate shall refuse or neglect to make such oath when required by the Sheriff or his Under-sheriff so to do, the said Sheriff or his Under-sheriff, or person deputed by him as aforesaid, as the case may, shall not permit or suffer such candidate to be put in nomination, nor shall he receive or suffer to be received any votes which shall or may be tendered to him for such candidate until such candidate shall have taken such oath.

25 And be it Enacted, That no fee or reward shall be given or accepted by any person for the administering of the said oath.

And be it Enacted, That nothing herein contained shall extend to affect or alter the mode whereby Coroners for counties of cities or counties of towns or other boroughs in Ireland are at present chosen or elected.

And be it Enacted, That the Grand Jury acting in and for each county of a city, county of a town or other borough named in the Schedule (C.) hereto annexed, shall and may, when they shall next assemble after the *passing of this Act*, or on any future occasion, and from time to time thereafter, as to them shall seem fit, divide their respective city, town or borough into such convenient districts as shall seem best calculated to carry the purposes of this Act into effect, according to the number of Coroners in such city, town or borough, and with due regard to the extent of the population, the hazardous nature of the prevailing employments in the respective parts of such city, town or borough, and to the size of such districts ; and shall affix some distinctive name to each district ; and shall cause a correct list to be made by their Secretary of the several parishes and streets, or parts of

14.  
No fee to be paid for administering said Oath.

15.  
Not to alter the mode of election of Coroners in Cities or Towns.

16.  
Grand Jury of Cities or Towns to divide same into Districts.

parishes and streets, comprised within each such district; and the foreman of such Grand Jury shall sign the order for such division into districts and such list, which said order and list shall be by the secretary of the Grand Jury forthwith transmitted to the Clerk of the Peace acting in and for such city, town or borough, to be by him enrolled among the records of such city, town or borough; and the said Clerk of the Peace shall, within Fifteen Days after the receipt of such order and such list, deliver, or cause to be delivered, to every Coroner of such city, town or borough, a copy thereof, signed and certified by him to be a true copy of such order and of such list; and the said Grand Jury shall also cause a copy of the said order for such division into districts of their respective city, town or borough to be inserted *Three* times in some local newspaper, or in the Dublin Gazette; and the said order for the division of such city, town or borough into districts shall from and after the publication thereof as aforesaid, be of full force and effect, but not otherwise.

17.  
Appointment  
of present  
Coroners to  
Districts.

And be it Enacted, That the said Grand Jury so assembled as aforesaid shall appoint one of the persons who shall then hold the office of Coroner of their respective city, town or borough, to be the Coroner of and for one of each the districts so to be formed under the authority of this Act, and shall, so far as may be practicable and convenient, appoint such Coroner to that district within which he shall have theretofore acted.

18.  
Qualification  
of Coroner.

And be it Enacted, That from and after the *passing of this Act* no person shall be elected or chosen to the office of Coroner for any county, riding or division, or district thereof, or for any county of a city, county of a town, or other borough or district thereof, who shall not at the time of being so elected or chosen be seised to and for his own use and benefit of some estate of inheritance of the clear annual value of *Fifty Pounds* sterling over and above all charges and incumbrances that may affect the same, or of an estate of freehold for his own life, or for the life or lives of some other person or persons, either at law or in equity, of the clear yearly value of *One hundred Pounds* sterling, over and above all charges and incumbrances which may affect the same, of or in lands, tenements or hereditaments situate within the county, county of a city, county of a town or borough, for which or for any district of which he shall be elected or chosen as aforesaid, or within the county next thereto adjoining; and in case any person shall be elected or chosen to serve the office of Coroner from and after the *passing of this Act*, who shall not at the time of his being so elected or chosen, be seised of or entitled to such an estate in lands, tenements or hereditaments as is hereinbefore required, such election shall be null and void.

And

And be it Enacted, That if it shall appear to any Two or more Justices of the Peace for any county, riding or division, or for any county of a city, county of a town or other borough for which or for any district of which any Coroner shall be elected or chosen under the provisions of this Act, that such Coroner has lost or encumbered his property so as not to be then in possession or enjoyment of such an estate as is hereby required to qualify him to be elected and chosen as aforesaid, the said Justices shall give to such Coroner, or cause to be left at his usual place of residence, *Fifteen* clear Days before the next ensuing assizes or presenting term for such county, riding or division, city, town or borough, a notice in writing, to be signed by them, of their intention to complain to the Grand Jury which shall next assemble, that such Coroner has lost or encumbered his estate, and is not then qualified in respect of property as aforesaid to hold or continue to hold the said office of Coroner; and if the said Justices of the Peace shall lodge such a complaint in writing with the Grand Jury which shall next assemble for such county, riding or division, county of a city, county of a town or other borough (as the case may be), it shall and may be lawful for the foreman of such Grand Jury to issue a summons, requiring such Coroner to appear before the said Grand Jury, and to examine such Coroner upon oath (which oath the foreman of such Grand Jury is hereby empowered to administer) touching the matter of such complaint; and if it shall appear to the said Grand Jury that the said Coroner has lost or encumbered his property, so as not to be then in possession and enjoyment of some estate of inheritance or freehold as aforesaid, within the county, city, town or borough for which, or for some district of which he shall have been elected or chosen Coroner, or within the county next thereto adjoining, of the clear yearly value of *Fifty Pounds* sterling, or *One hundred Pounds* sterling, as the case may be; or if such Coroner, upon proof that such summons as aforesaid had been duly served upon him, or left at his usual place of residence, shall neglect or fail to attend the said Grand Jury; or if such Coroner shall refuse to be sworn; or to answer any question which may be put to him touching his said qualification; then and in every such case it shall be lawful for the said Grand Jury to prepare, or cause to be prepared, a Memorial to the Lord Chancellor of Ireland, detailing such facts concerning the want of qualification by such Coroner as shall appear to such Grand Jury to be true and correct, and praying that such Coroner may be removed from the office of Coroner for such county, riding or division, county of a city, county of a town or other borough, as the case may be; and the Foreman of such Grand Jury shall sign the same, and shall direct that such memorial shall forthwith be delivered to the said Lord Chancellor.

19.  
Two Justices  
of the Peace  
for the  
County, City,  
Town, &c.  
for which any  
Coroner is  
elected, may  
complain to  
Grand Jury  
of his having  
lost his Quali-  
fication.

20.  
Lord Chan-  
cellor may de-  
clare the  
Office to be  
vacant, and  
issue a Writ  
for a new  
Election.

And be it Enacted, That it shall and may be lawful for the Lord Chancellor of Ireland, upon the receipt of any memorial as aforesaid from the Grand Jury of any county, riding or division, county of a city, county of a town, or other borough, or of any complaint in writing, as hereinafter mentioned, that any Coroner has acted as Sub- 5  
sheriff, Guardian of the Poor, Town Councillor or Alderman of any borough, if he shall be satisfied, from the statements contained in such memorial or complaint, that such Coroner was not then seised or pos-  
sessed of such an estate as would have qualified him to be elected Coroner under the provisions of this Act, or that such Coroner has 10  
acted as such Sub-sheriff, Guardian of the Poor, Town Councillor or Alderman, to declare the office of such Coroner to be vacated, and to direct a writ to be issued for the election of a Coroner for such county, riding or division, county of a city, county of a town, or other borough or district thereof, as the case may be, to or for which such Coroner 15  
may have been elected or chosen.

21.  
Coroner not  
to be Sub-  
sheriff,  
Guardian of  
the Poor,  
Town Coun-  
cillor or  
Alderman.

And be it Enacted, That from and after the *passing of this Act* no person who shall hold the office of Coroner shall be elected or chosen as Guardian of the Poor in any union, or as Town Councillor or 20  
Alderman in any city or borough, or shall be appointed or shall act by himself or by his partner, directly or indirectly, as Sub-sheriff in any county, city, town or borough, and that in all such cases such election or appointment shall be null and void.

22.  
Lord Chan-  
cellor may  
issue Writ for  
election of a  
Coroner,  
upon certifi-  
cate of  
vacancy in  
the Office.

And be it Enacted, That whenever a vacancy shall occur in the office of Coroner of any county, riding or division, county of a city, 25  
county of a town or other borough or district thereof, and any Two or more Justices of the Peace of such county, city, town or borough, shall deliver or cause to be delivered to the Clerk of the Peace acting in and for such county, city, town or borough, a certificate under their hands and seals of such vacancy having occurred, the said Clerk of the 30  
Peace shall and he is hereby required, within *Twenty-one Days* after the receipt of such certificate, transmit same to the Lord Chancellor of Ireland, who shall thereupon direct a writ to be issued for the election of a Coroner for such county, riding or division, county of a city, county of a town, or other borough or district thereof, as the case may 35  
be, where such vacancy shall have happened.

23.  
Coroner to  
reside within  
his District,  
or forfeit his  
Emoluments.

And be it Enacted, That from and after the *passing of this Act* every person elected or chosen to serve the office of Coroner in Ire- land, shall reside within the county, riding or division, county of a city, county of a town, or other borough or district thereof, as the case 40  
may be, to or for which he shall be elected or chosen Coroner; and in case any such Coroner shall neglect or fail to reside within such county, riding or division, city, town or borough, or district thereof as aforesaid,

aforesaid, he shall forfeit and lose all right and claim to the fees and emoluments hereinafter provided for the payment of Coroners, so long as he shall so fail and neglect to reside within such county, riding or division, city, town or borough, or district thereof, for which he shall  
 5 have been so elected and chosen.

And be it Enacted, That the Clerk of the Peace for each county, and the Clerk of the Peace acting in and for each county of a city, county of a town, or other borough in Ireland, shall, as soon as any Coroner shall have been appointed or chosen to and for any district  
 10 to be formed under the authority of this Act, make and deliver, or cause to be made and delivered, a true and correct copy, to be signed and certified by him, of such part or portion of the jurors' book of such county, city, town or borough for the year, as shall contain the names of all persons qualified to serve as jurors for that district of such county,  
 15 riding or division, city, town or borough, to and for which such Coroner shall be appointed or chosen as aforesaid; and shall in like manner, when and as often as any new jurors' book shall be formed for such county, riding or division, city, town or borough, make and deliver, or cause to be made and delivered to the Coroner for the district, a true  
 20 and correct copy of such portion thereof as shall contain the names of the jurors of such district.

24.  
 Clerks of the Peace to send Copies of the Jurors' Book to the Coroner of each District.

And be it Enacted, That when any dead body shall be found, or any case of sudden death, or of death attended with suspicious circumstances shall occur, in any district, the Sub-Inspector of the Constabulary of such district, or in his absence the Constable or Sub-Constables acting in and for the place where such dead body shall be  
 25 found, or such death happen, shall give or cause to be given immediate notice thereof to the Coroner of such district, together with such information as he or they shall have been able to obtain, touching the finding of such dead body or of such death; and the said Coroner shall, if upon the receipt of such notice and information he shall deem it necessary to hold an inquest upon such dead body, issue summonses for a sufficient number of the jurors whose names shall be contained in the jurors' book of the district for that year, and who shall reside  
 30 next or nearest to the place where such inquest is to be holden, to attend and be sworn as jurors upon such inquest, at the time and place specified in such summons; and the said Coroner shall issue a summons for every such witness as he shall deem necessary, to attend such inquest at the time and place therein specified, for the purpose  
 40 of giving evidence relative to such dead body; and he shall deliver or cause to be delivered all such summonses to the Constable or some one of the Sub-Constables acting in and for the place where such inquest is to be held, who shall forthwith proceed to serve the same upon the jurors and witnesses therein-mentioned: Provided always,

25.  
 Notice of the finding of any dead body or of sudden death to be given to the Coroner, who shall issue summonses for Jurors and Witnesses.

That in case a sufficient number of such jurors as aforesaid cannot be had, the Coroner shall issue summonses for such other fit and proper persons, the same being leaseholders or householders, and rated to the relief of the poor in a sum of not less than *Ten Pounds*, and residing next or nearest to the place where such inquest is to take place, to attend and be sworn as jurors upon such inquest, as he shall deem necessary, and shall in the abstract of such inquest specify the names of the jurors whom he shall so have summoned, and his reasons for summoning them. 5

26.  
Coroner to  
make abstract  
of the In-  
quisition and  
finding, and  
of the Evi-  
dence.

And be it Enacted, That every Coroner by or before whom any inquest post mortem shall be taken, shall and he is hereby required to make an abstract of the inquisition and finding of the jury; and shall state in such abstract the names of the jurors in any such inquest, and the names of all the witnesses who shall have been examined at same, and shall annex thereto an account of all sums of money paid or advanced by him, as hereinafter mentioned, for or on account of any such inquest, or to or for or on account of any witness or witnesses who shall have attended same; and also an account of the number of miles which he shall have been compelled to travel from his usual place of residence to take such inquest, and of the number of days during which such inquest, or any adjournment thereof, if any, shall have continued; and shall certify such abstract and account to be true and correct in all particulars, and shall sign the same, and shall lodge such abstract and account with the secretary of the Grand Jury of the county, riding or division, county of a city, county of a town, or other borough, as the case may be, for which or for any district of which he is the Coroner *Ten* clear Days at least before the assembling of the Grand Jury for such county, riding or division, city, town or borough; and the said secretary shall permit such abstract and accounts to be inspected and examined in his office by any ratepayer of such county, riding or division, city, town or borough, who shall apply to him for the purpose, at all hours between *Ten* of the clock of the forenoon and *Four* of the clock of the afternoon during the said *Ten* Days; and the said Secretary shall lay same before the Grand Jury acting in and for such county, riding or division, city, town or borough, which shall next assemble; and the said Grand Jury shall examine such abstract and accounts, and shall and may, if they shall deem it necessary, examine the said Coroner upon oath (which oath the foreman of such Grand Jury is hereby empowered to administer) as to the truth and correctness of all or any of the statements or items contained in such abstract or accounts, or as to the belief which such Coroner may at the time of holding any such inquest have entertained of the necessity for holding the same; and the said abstracts and accounts shall, when approved of by the said Grand Jury, be signed 10 15 20 25 30 35 40

signed by the foreman, and preserved among the records of such county, riding or division, city, town or borough.

- And be it Enacted, That it shall and may be lawful to and for the Grand Jury of any county, riding or division, when they shall have  
 5 examined and approved of such abstracts and accounts as aforesaid, to present for the payment and remuneration of any Coroner within such county, riding or division, the sum of *One Pound Ten Shillings* sterling for each and every inquest held by him respectively since the preceding assizes, or since his last application for a presentment; and  
 10 shall present, in addition thereto, and over and above such payment or remuneration, such further and other sum at the rate of *Nine-pence* per mile for every mile which such Coroner shall have been obliged to travel from his usual place of residence to take such inquest, as to such Grand Jury shall seem fit: Provided always, That it shall not  
 15 be lawful for any Grand Jury as aforesaid to present for the payment and remuneration of any Coroner any larger amount or sum than *Fifty Pounds* sterling at any one assizes; and provided also, That whenever any Coroner shall have held more than one inquest on the same day, then in respect of every such inquest taken after the first, the  
 20 said sum of *Nine-pence* per mile shall be computed and paid to such Coroner for every additional mile only which he shall be compelled to travel, in consequence of holding more than one inquest on the same day.

27.  
Grand Jury  
of County,  
&c. to present  
1 l. 10 s. per  
Inquest for  
the payment  
of the Coroner,  
and 9 d.  
per Mile :

such payment  
not to exceed  
50 l. at any  
Assizes.

Provision for  
mileage when  
more than  
one Inquest  
on the same  
day.

- And be it Enacted, That it shall and may be lawful to and for the  
 25 Grand Jury acting in and for any county of a city, county of a town, or other borough in Ireland, when they shall have examined and approved of such abstracts and accounts as aforesaid, to present for the payment and remuneration of any Coroner within such city, town or borough the sum of *One Pound* sterling for each and every inquest held by him  
 30 respectively since the last assizes or presenting term, or since his last application for a presentment: Provided always, That it shall not be lawful for any Grand Jury as aforesaid to present, for the payment and remuneration of any Coroner any larger amount or sum than *Fifty Pounds* sterling at any assizes or presenting term.

28.  
Grand Jury  
of City, &c.  
to present for  
payment of  
Coroner 1 l.  
per Inquest :

not to exceed  
50 l. at any  
Assizes or Pre-  
senting Term.

- And be it Enacted, That it shall and may be lawful to and for the  
 35 Grand Jury of any county, riding or division to present such sum as to them shall seem fit, for the payment of the allowances for travelling as aforesaid to any Coroner who shall show, to the satisfaction of such Grand Jury, that he had been compelled, in the discharge of his office,  
 40 to travel from his usual place of residence for the purpose of taking an inquisition, but which, in the exercise of his discretion, he deemed to be unnecessary, and declined to take.

29.  
Mileage of  
Coroners  
when no  
Inquest held.

30.  
Grand Jury  
to present for  
such sums as  
shall be neces-  
sary to pay  
Witnesses and  
Expenses of  
Inquests.

And be it Enacted, That it shall and may be lawful to and for the Grand Jury acting in and for any county, riding or division, county of a city, county of a town, or other borough, at any assizes or presenting term, to present for the Coroner of such county, riding or division, city, town or borough, or any district thereof, such sum or sums as shall be necessary to repay such Coroner the monies paid and advanced by him in and about the holding of any inquest, and approved of by such Grand Jury as aforesaid; and also to present to and for the Treasurer of such county, city, town or borough, such sum or sums as shall be necessary to pay and discharge all orders for the payment of witnesses and other persons (as hereinafter mentioned), upon such Treasurer, as any Two Justices of the Peace shall have given to any witness or other person since the last assizes or presenting term; and the said Treasurer, out of the public monies of such county, riding or division, city, town or borough, which shall then be in his hands, or shall next come to his hands, shall pay the said sum or sums so presented to the said witnesses or other persons as aforesaid; and it shall be lawful for the Grand Jury acting in and for any county, riding or division, county of a city, county of a town or other borough, to direct and order that all such sums of money necessary for the payment and remuneration of any such Coroner, or of the other expenses incident to the holding of any inquest, or such part and proportion thereof as to them shall seem meet and right, shall be raised and levied off the whole of such county, riding or division, city, town or borough, or off such district, barony or parish thereof, as the case may be, as they shall appoint.

31.  
Coroner may  
order an  
Analysis to be  
made.

And be it Enacted, That it shall and may be lawful for any Coroner, who shall consider an analysis of any matter or thing of or concerning any dead body necessary, to order and direct that such analysis be made by such legally qualified medical practitioner as he and the majority of the jury sworn upon any inquest shall appoint; and he shall annex to the abstract and accounts of such inquest a certificate, to be signed by him, of such his opinion, and of the facts relating to such analysis, which certificate, together with the said abstracts and accounts, shall be laid before the Grand Jury acting in and for the county, riding or division, county of a city, county of a town, or other borough, as the case may be, which shall next assemble; and it shall be lawful for the said Grand Jury, if they shall be of opinion that such analysis was necessary, to present to and for their Treasurer any sum of money, not exceeding the sum of *Three Guineas*, for the loss of time, labour and expense incurred by such medical practitioner, in consequence of making such analysis; and the sum so presented by the Grand Jury shall be paid to such medical practitioner by the Treasurer of such county, riding or division, city, town or other borough, in like manner, and shall and may be

Grand Jury  
may present  
Three  
Guineas for  
same.

be raised and levied in like manner as the sums already presented by any such Grand Jury.

And be it Enacted, That whenever any dead body shall be found, and any Coroner shall, in consequence of the information received by him, consider it necessary to hold an inquest thereon, it shall and may be lawful for such Coroner to order and direct that such dead body shall be brought into the nearest tavern, public-house or house licensed for the sale of groceries or spirits, or where there shall not be any such house within a reasonable distance of the place where such dead body shall be found, then to the house next adjoining, or most convenient, to such place; and the owner or occupier of such tavern, public or other licensed house, or of such private house as aforesaid, shall and he is hereby required to permit and allow such dead body to be deposited within the same, or within some part of the premises thereof, until the inquest shall have taken place; and if such owner or occupier shall refuse to permit such dead body to be deposited within the said house, or some part of the premises thereof, it shall be lawful for the said Coroner to impose such fine, not exceeding the sum of *Forty Shillings*, upon such owner or occupier for such refusal or neglect, as to such Coroner shall seem fit.

32.  
Coroner may order dead body to be deposited in the nearest house until an Inquest be taken thereon;

and fine the owner or occupier thereof for refusal to admit same.

And be it Enacted, That it shall and may be lawful for any Coroner, who shall hold any inquest, to pay to any medical or other witness, or to any other person, who, having been summoned by him, shall attend and be examined at such inquest, or shall do and perform any matter or thing relating to such inquest in pursuance of the order or direction of such Coroner, or to the owner or occupier of any private house as aforesaid (the same not being related to or connected with the deceased), who shall afford the accommodation for the deposit of such dead body, or for the holding of such inquest, any sum or sums of money, not exceeding the sum contained in the Schedule (D.) hereto annexed, as to such Coroner shall seem just and reasonable, upon obtaining from such witness, or other person, a receipt, duly signed, for such payment; and the said Coroner shall deliver all such receipts, together with the abstract and accounts of such inquest, to the secretary of the Grand Jury acting in and for the county, riding or division, county of a city, county of a town, or other borough, as the case may be, for which or for any district of which he is Coroner.

33.  
Coroner may pay Witnesses as per Schedule, upon getting Receipts.

And be it Enacted, That when any Coroner shall have summoned or caused to be summoned any person whose name shall appear upon the jurors' book of the district, or any leaseholder or householder as aforesaid to attend as a juror, or shall have summoned any person to attend as a witness at any inquest, and such person shall fail or neglect to attend at the time and place specified in such summons, it shall be

34.  
Coroner may fine Jurors or Witnesses for non-attendance at Inquest, and transmit the account of same to the Clerk of the Peace.

lawful for such Coroner to cause such person to be openly called in his court Three times, to appear and serve as a juror, or to appear and give evidence at such inquest; and upon the non-appearance of such person, and proof that such summons had been served upon him, or left at his usual place of abode, to impose such fine upon the person 5 so making default, not exceeding the sum of *Forty Shillings*, as to such Coroner shall seem fit; and such Coroner shall make out and sign a certificate containing the christian and surname, the residence and trade or calling of every person so making default, and likewise of every person refusing to admit any dead body into his house 10 or premises as aforesaid, together with the amount of the fine imposed, and the cause of such fine; and shall transmit such certificate to the Clerk of the Peace acting in and for the county, riding or division, city, town or borough, in which such person shall reside, on or before the first day of the Quarter Sessions of the Peace then next ensuing; 15 and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending same through the post-office addressed as aforesaid, *Three Days* at the least before the first day of the said Quarter Sessions; and the said Clerk of the Peace shall copy the fine or fines so certified on the roll 20 on which all fines and forfeitures imposed at such Quarter Sessions of the Peace shall be copied, and the same shall be levied and applied in like manner, and subject to the like powers, provisions and penalties, in all respects as if such fine or fines had been imposed at such Quarter Sessions: Provided always, That nothing herein contained shall be 25 construed to affect any power now by law vested in any Coroner for compelling any person to appear as juror, or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing as juror, or in not so appearing and giving evidence, or otherwise. 30

35.  
Coroner not  
to act pro-  
fessionally in  
any case  
which may  
have come  
before him as  
Coroner.

And be it Enacted, That from and after the *passing of this Act*, in all cases in which any person shall be charged by any Coroner's inquisition with the commission of any crime, and shall be subsequently put upon his trial, either on such inquisition, or in pursuance of any bill of indictment for the same crime, the Coroner before whom such 35 inquisition shall have been found, shall be wholly incompetent to act as an attorney in prosecution or defence of such person for such crime, either by himself or his partner, directly or indirectly; and that in all cases in which it shall appear to the Judge before whom such person shall be tried, that any Coroner shall have so acted contrary to 40 the provisions and intention of this Act, such Judge shall impose upon every Coroner so offending such penalty, not exceeding *Fifty Pounds*, as the said Judge shall, in his discretion, think fit.

And

And be it Enacted, That every Coroner appointed or chosen under the authority of this Act, although such Coroner may be designated as the Coroner of any particular district of a county, riding or division, city, town or borough, shall, for all purposes whatsoever, except as hereinafter mentioned, be considered as a Coroner for the whole of such county, riding or division, city, town or borough, and shall have the same jurisdiction, rights, powers and authorities throughout the said county, riding or division, city, town or borough, as if he had been elected by the electors of such county, riding or divisions, city, town or borough at large.

36.  
Coroner, although elected for a District, to be a Coroner of the County or City at large.

And be it Enacted, That every Coroner appointed or elected under the provisions of this Act, shall, except during the illness, incapacity or unavoidable absence of the Coroner for any other district, or during a vacancy in the office of Coroner for any other district, hold inquests only within the district to and for which he shall have been so appointed or elected; and that if any Coroner shall hold an inquest in any district save that to and for which he shall have been appointed or elected, he shall state in the abstract of such inquest as aforesaid, the reason of his having held such inquest.

37.  
Coroner to hold Inquests only in the District to which he is appointed, except in certain cases.

And be it Enacted, That every order or direction which by and under the provisions of this Act any Coroner, or any Two Magistrates acting for and in the absence of such Coroner, shall make and issue, shall be in writing, and shall be signed and sealed by such Coroner or such Magistrates; and that any order or direction which any Coroner or Magistrate as aforesaid shall make or issue, and which shall not be in writing, or signed and sealed as aforesaid, shall be of no force or effect whatsoever, nor shall any person be subject to or visited with any fine or other punishment for disobedience thereof.

38.  
All orders of Coroners, &c. to be in writing, and signed, or of no force.

And be it Enacted, That it shall not be lawful for the Grand Jury acting in and for any county, riding or division, county of a city, county of a town or other borough, to present any sum of money for the payment or remuneration of any Coroner, if such Coroner shall appear to them to have been guilty of neglect of duty in not attending to take any inquest; nor shall it be lawful for any Grand Jury to present any sum of money for the payment or remuneration of any Coroner for or in respect of any inquest, other than such as he shall have held since the then last preceding assizes or presenting term, or since his last application for a presentment.

39.  
Grand Jury not to present for Coroner guilty of neglect, nor for any Inquest, except taken since the last Assizes or Presenting Term.

And be it Enacted, That if any Coroner shall, from and after the passing of this Act, be convicted of any extortion or wilful neglect of duty or misdemeanor in his office, it shall be lawful for any Judge of Assize before whom he shall be so convicted, to adjudge that he shall

40.  
Coroner may be removed by Judge for extortion or neglect.

be removed from his office, and thereupon a writ shall issue, removing him from his office, and for electing another Coroner in his stead.

41.  
In the absence  
of Coroner,  
Two Magis-  
trates may  
hold Inquest,  
and summon  
Jurors and  
Witnesses.

And be it Enacted, That it shall and may be lawful for any Two Magistrates, who in the absence of the Coroner for any county, riding or division, county of a city, county of a town or other borough, or any district thereof, shall hold any inquest relative to the death of any person, to summon such jurors and such medical and other witnesses to attend such inquest, and to give such orders and directions, and to impose such fines for neglect or refusal, in like manner as any Coroner is empowered to do under the provisions of this Act ; and also to sign and issue to such medical or other witnesses summoned and examined before them, and to the owner or occupier of any private house (the same not being related to or connected with the deceased) wherein such dead body shall have been deposited, or wherein such inquest shall have been held, and to any person or persons who shall do or perform any matter or thing relating to such inquest, in pursuance of the order or direction of such magistrates, an order upon the Treasurer of the county, county of a city, county of a town or other borough, as the case may be, for such sum or sums of money as such Coroner is hereby empowered to pay to such witnesses or other persons, and as to them shall seem just and reasonable ; and the said magistrates shall make out and lodge with the secretary of the Grand Jury for such county, riding or division, city, town or borough, an abstract of the inquisition and finding of the jury, together with the names of the jurors, and of the witnesses who shall have been examined at such inquest, and an account of all orders upon the Treasurer for payment of such witnesses or other persons issued by them, *Ten Days* at least before the Grand Jury acting in and for such county, riding or division, county of a city, county of a town or other borough, shall next assemble.

42.  
Punishment  
of Perjury.

And be it Enacted, That if any elector or other person shall wilfully and falsely take any oath or affirmation appointed by the authority of this Act to be taken, or if any person shall corruptly procure or suborn any elector or other person wilfully and falsely to take any oath or affirmation hereby appointed to be taken, for the purpose of such person being polled at any election of a Coroner, and he or they shall be convicted thereof, he or they shall for every such offence incur all such pains and penalties as are by law inflicted on persons guilty of perjury or subornation of perjury.

43.  
Inquisitions  
not to be  
quashed on  
account of  
technical  
defects.

AND whereas it is expedient to make provisions for supporting Coroners inquisitions, and for preventing the same from being quashed on account of technical defects ; BE it therefore Enacted, That from and after the *passing of this Act*, no inquisition found upon or by any Coroner's

Coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed or reversed for want of the averment therein of any matter unnecessary to be proved ; nor for the omission of the words " with force and arms," or of the words  
 5 " against the peace," or of the words " against the form of the statute;" nor for the omission or insertion of any other words or expressions of mere form or surplusage ; nor for the insertion of the words " upon their oath," instead of the words " upon their oaths ;" nor for omitting to  
 10 state the time at which the offence was committed, when time is not the essence of the offence ; nor for stating the time imperfectly ; nor because any person or persons mentioned in any such inquisition is or are designated by a name of office, or other descriptive appellation, instead of his, her or their proper name or names ; nor by reason of the non-insertion of the names of the jurors in the body of any such  
 15 inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such inquisition, and the names subscribed thereto ; nor because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto ; nor because any such mark or  
 20 marks is or are unattested, provided the name or names of such juror or jurors is or are set forth ; nor because any juror or jurors has or have signed his or their Christian name or names by means of an initial or partial signature only, and not at full length ; nor because of any erasures or interlineations appearing in any such inquisition, unless  
 25 the same shall be proved to have been made therein after the same was signed ; nor for want of a proper name, where the inquest shall appear or purport to have been taken by a Coroner of or for the county, riding or division, city, town or borough or place in which it shall appear or purport to have been taken ; nor (except only in cases of  
 30 murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written on parchment ; nor because the Coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest ; and in all or any of such cases of technical defect as are hereinbefore men-  
 35 tioned, it shall be lawful for any Judge of either of Her Majesty's Courts in Dublin, or any Judge of Assize or Goal Delivery, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended ac-  
 40 cordingly.

And be it Enacted, That from and after the *passing of this Act*, every Coroner in Ireland shall, on or before the Tenth day of January in each year, make out and transmit to the Lord Lieutenant of Ireland a return in writing, according to such form as the said Lord Lieutenant shall from time to time direct, of all the cases in which he shall have

44-  
 Coroners to  
 make Returns  
 of Inquests  
 to Lord  
 Lieutenant.

been called upon to hold an inquest touching the death of any person during the year ending on the Thirty-first day of December immediately preceding, and a copy of the finding of the jury on every such inquest.

45.  
Interpreta-  
tion Clause.

And be it Enacted, That in this Act the word "Oath" shall in all cases be construed and interpreted to signify and include all affirma- 5  
tions which may now by law be made and tendered by or to any person or persons in Ireland.

46.  
Sessional  
Clause.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

**SCHEDULES**

## SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

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### SCHEDULE (A.)

---

FORM of OATH to be taken by ELECTORS at any ELECTION for the Office of CORONER.

I, A. B. do swear [or, affirm] that I am a registered elector of the county of  
in right of my [state the nature of the franchise, whether it be an estate  
of freehold, leasehold or of any other nature, and the townland, parish and barony where  
situate], and that the place of my abode is at [if it be a place con-  
sisting of more places or streets than one, specify what street or place], and that I have  
not been polled before at this election [adding, except in cases of affirmation.]

So help me GOD.

---

### SCHEDULE (B.)

---

FORM of OATH to be taken by CANDIDATES at any ELECTION for the Office of  
CORONER.

I, A. B. do swear [or, affirm] that I truly and bonâ fide have, to and for my own use  
and benefit, such an estate of inheritance of the annual value of Fifty pounds sterling [or,  
of freehold for my own life or for the life of or for the lives of  
of the annual value of One hundred pounds sterling, as the case may be], in law or  
equity, as I have described in the statement thereof delivered by me to the sheriff or  
[under-sheriff] of of and in lands, tenements or hereditaments, over and  
above all charges and incumbrances that may affect the same, and as doth qualify me to  
be elected and chosen to serve the office of Coroner for the county of  
[riding or division, county of a city, county of a town or borough, or district thereof, as  
the case may be], according to the tenor and meaning of an Act passed in the  
year of Her present Majesty, intituled, "An Act to amend the Laws relating to the Office  
of Coroner, and the Expenses of Inquests in Ireland," and that my said lands, tenements  
or hereditaments are lying and being at [if in a street in a city, town or  
borough or other place, specify what street] in the parish of in the barony  
of [or ward of, as the case may be], and county of [county of  
the city of, county of the town of, or borough of, as the case may be] aforesaid.

So help me GOD.

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### SCHEDULE (C.)

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County of the City of Dublin.  
County of the City of Cork.  
County of the Town of Galway.  
County of the City of Limerick.  
County of the City of Waterford.

County of the Town of Drogheda.  
County of the City of Kilkenny.  
City of Londonderry.  
Town of Sligo.

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SCHEDULE (D).

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TABLE of PAYMENTS which any Coroner, or any Two Magistrates in his absence, may make to any Witness or other person, who, being summoned, shall attend and give Evidence at any Inquest, or shall do any other act or thing in obedience to the Summons or Order of such Coroner, or of such Two Magistrates, as aforesaid.

To any poor witness of the class of peasant or labourer, for each day of attendance at any inquest, any sum not exceeding per diem - -	£. s. d. - 1 3
To any poor witness of the class of farmer, artisan or mechanic, for each day's attendance at any inquest, any sum not exceeding per diem -	- 2 6
To the owner or occupier of any private house wherein any dead body shall by a Coroner's order be deposited, (if such owner or occupier be not related to or connected with the deceased,) any sum not exceeding per diem - - - - -	- 2 6
To the owner or occupier of any private house who shall afford accommodation to the Coroner (or to any Two Magistrates during his absence), jurors and witnesses, for the holding of an inquest therein, in case such owner or occupier shall not be related to or connected with the deceased, any sum not exceeding per diem - - - -	- 3 6
To the person or persons who shall, pursuant to an order from any Coroner, or of any Two Magistrates during his absence, disinter and afterwards bury any dead body - - - - -	- 5 -
To any legally qualified medical practitioner, who, in pursuance of the summons and order of any Coroner, or of any Two Magistrates, shall attend and examine any dead body, and give evidence as a witness at any inquest held thereon, the sum of - - - -	1 1 -
To any legally qualified medical practitioner, who, in obedience to the order of any Coroner, or of any Two Magistrates, shall make a post-mortem examination of any dead body, and shall attend and give evidence at the inquest held thereon, the further sum of - -	1 1 -

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*Coroners (Ireland).*

A

**B I L L**

To amend the Laws relating to the Office of  
Coroner and the Expenses of Inquests in  
Ireland.

(Prepared and brought in by  
*Mr. Grogan and Mr. Gregory*).

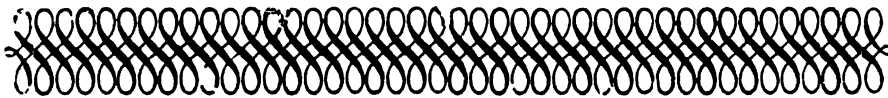
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*Ordered, by The House of Commons, to be Printed,  
8 May 1845.*

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295

*Under 3 oz*



A

# B I L L,

INTITULED,

AN ACT to enable the Houses of Parliament to order  
Recognizances for Costs in Local and Personal Bills.

---

**F**OR the better securing Land Owners and others against Oppression and Expense; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in  
5 this present Parliament assembled, and by the Authority of the same,  
THAT it shall and may be lawful for either House of Parliament to make  
an order for the requiring Recognizance, to any amount which to such  
House may seem meet, to be acknowledged by the Promoters or Petitioners for Local and Personal Acts to the Crown, conditioned for  
10 paying the costs and expenses of any party or parties whose costs and expenses such House may order to be paid, as being incurred in opposing the passing of such Acts in such Houses respectively.

Preamble.

Either House of Parliament may order Recognizances for Costs of Parties incurred in opposing Local and Personal Bills.

*Costs, Private Bills.*

---

A

B I L L,

INTITULÉD,

AN ACT to enable the Houses of Parliament  
to order Recognizances for Costs in Local  
and Personal Bills.

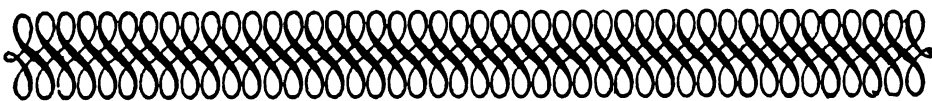
(*Brought from the Lords, 25 July 1845.*)

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*Ordered, by The House of Commons, to be Printed,  
28 July 1845.*

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2 May 1845.—8 VICT.



A

# B I L L

To amend the Laws relating to the assessing,  
levying and collecting of County Rates.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in the Committee.]

---

**W**H~~EREAS~~ it is expedient to amend the Laws in being Preamble.  
relating to the assessing, levying and collecting of County  
Rates; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent  
5 MAJESTY, by and with the Advice and Consent of the Lords Spiritual  
and Temporal, and Commons, in this present Parliament assembled,  
and by the Authority of the same, THAT from and after the *passing*  
*of this Act*, it shall be lawful for Her Majesty's Justices of the Peace  
of the several counties in that part of Great Britain called England,  
10 assembled at their General or Quarter Sessions of the Peace, or at  
any adjournment thereof, and they are hereby authorized and empow-  
ered from time to time, as often as they shall deem it necessary, to  
nominate and appoint any number of Justices, not exceeding *Eleven*  
in number, nor less than *Five*, to be a Committee for the purpose of  
15 preparing a fair and equal County Rate, or of altering and amending  
such rate, from time to time, as circumstances may require.

1.  
Justices at  
Sessions to ap-  
point Com-  
mittees for as-  
sessing County  
Rates.

And be it Enacted, That the Committee so nominated and appointed  
as aforesaid shall hold their first meeting after their appointment at  
such time and place as shall be fixed and ordered by the said Court  
20 of Quarter Sessions; and their subsequent meetings at such times  
and places as they shall themselves appoint for carrying this Act into  
execution; and at every Meeting of the said Committee, if *Three* or  
more Members thereof are present, they shall be competent to act,  
as fully and effectually as if the whole of the Members of the said  
Committee were present.

2.  
Meetings of  
Committees.

270.

A

And

3.  
Committees  
to make and  
award County  
Rates.

And be it Enacted, That for the purpose of preparing such a fair and equal County Rate, it shall be lawful for the said Committee, by their order in writing, to be signed by their Clerk, from time to time, as often as they shall deem it necessary, to direct the churchwardens and overseers of the poor, constables, assessors and collectors of public rates, taxes and assessments of or for the several parishes and places aforesaid, and all other persons having the custody or management of any public or parochial rates, taxes, assessments or valuations of such parishes and places respectively, to make returns in writing to the said Committee, at such times and places as they may appoint, (which returns respectively shall be verified on oath before one of Her Majesty's Justices of the Peace), of the total amount of the full and fair annual value of the whole of the rateable property within the parish, township or place, whether parochial or extra-parochial, or otherwise, to which they respectively belong.

4.  
Meaning of  
the words  
"full and  
fair annual  
value."

And be it Enacted, That for the purposes of preparing, assessing, and levying any County Rate, the words "full and fair annual value" shall be taken to mean the net annual value of any rateable property, that is to say, the rent at which the same might reasonably be expected to let for from year to year free of all tenants' rates and taxes, and tithe commutation rent-charge (if any), and deducting therefrom the probable average annual cost of the repairs, and insurance, and other expenses (if any), necessary to maintain them in a state to command such rent.

5.  
Committees  
empowered to  
inspect Rates,  
Assessments,  
Valuations,  
&c.

And be it Enacted, That it shall be lawful for the said Committee, by their order in writing, to be signed as aforesaid, to require the said churchwardens and overseers of the poor, constables, assessors, collectors, and any other persons whomsoever, to appear before them when and where and as often as the said Committee shall deem expedient, and to produce all parochial and other rates, assessments, valuations, apportionments and other documents in their custody or power relating to the value of, or assessment on, all or any of the rateable property within the several parishes and places aforesaid, and to be examined on oath, and answer such questions as the said Committee shall put to them respectively touching the said rates, assessments, valuations or apportionments, or the value of all or any of the rateable property within the respective parishes and places aforesaid; which said oath the said Committee are hereby authorized and empowered to administer, and also to examine the parties upon oath as aforesaid.

6.  
Penalty on  
Church-  
wardens or

Provided always, and it is hereby Enacted, That in case any churchwarden, overseer of the poor, constable, assessor, collector, or other

other person so required to make returns, or to appear as aforesaid, shall, without any reasonable excuse, neglect to make such returns in writing as aforesaid, or shall wilfully make any false return, or in case they, or any other person whomsoever, shall neglect to appear when

others refusing to attend or produce documents.

5 required so to do as aforesaid, or to be sworn and examined, or produce such documents as hereinbefore provided, he or they so offending shall, in either of the said cases, forfeit a sum not exceeding *Twenty Pounds*, to be sued for, prosecuted and recovered by order of the said Committee before any Two of Her Majesty's Justices of the Peace  
10 acting in and for the division or county in which the parish or place shall be situate, relating to which such churchwarden, overseer of the poor, constable, assessor, collector, or other person, shall have been required to make such returns, or to appear and be examined and produce such documents, as aforesaid.

15 And be it Enacted, That it shall be lawful for the said Committee from time to time and so often as they shall think fit, by their order in writing, to be signed as aforesaid, to direct that the whole or any part of any parish, township or place within their respective counties, shall be valued, and to appoint one or more person or persons for that  
20 purpose ; and it shall be lawful for the person or persons so appointed, at all reasonable times, and with or without assistants, to enter upon, view, examine, survey and measure, all and any lands or other property within such parish, township or place, chargeable to the County Rate, in order to ascertain the annual value at which the same ought  
25 respectively to be charged.

7.  
Committees may cause new Valuations to be made.

And be it Enacted, That it shall be lawful for the said Committee from time to time to make such allowances and compensations to overseers, constables, collectors, clerks, surveyors or other persons employed in the execution of this Act, as to them shall appear rea-  
30 sonable and proper, which, together with the costs of printing and other expenses necessarily incurred by the said Committee in or about the preparing or amending the said rate, shall be paid by an order of the Court of General or Quarter Sessions of the Peace out of the county stock.

8.  
Allowances and compensation to persons employed in the execution of this Act.

35 And be it Enacted, That if any Churchwarden or Churchwardens, Overseer or Overseers shall have neglected to make such returns in writing as aforesaid, or shall make any false return or statement of the total amount of the full and fair annual value of the whole of the rateable property within the parish, township or place, whether  
40 parochial or extra-parochial or otherwise, to which they respectively belong ; then it shall be lawful for any Court of General or Quarter Sessions of the Peace, upon the report of the said Committee, to order  
270. that

9.  
If Parish Officers make false returns, expenses of Valuations to be paid by Parishes.

that the whole of the expenses incurred by the said Committee in ascertaining the total amount of the full and fair annual value of the whole of the rateable property within any such parish, township, or place of which the Churchwarden or Churchwardens, Overseer or Overseers of the poor, shall have so neglected to make such return as aforesaid, or shall have made any such false return or statement as aforesaid, shall be charged upon the parish, township or place of which the Churchwarden or Churchwardens, Overseer or Overseers, have been guilty of such neglect or misconduct as aforesaid, in addition to the proportion of the said County Rate to be paid by such parish, township or place; and such expenses shall and may be raised, levied and collected by such and the like ways and means as the said County Rate can or may be raised, levied and collected, and shall be paid therewith, due distinction being made in the case of every such additional assessment between the sum or sums charged for and on account of any such expenses, and the sum or sums assessed as and for the County Rate.

10.  
Rates to be  
printed and  
distributed.

And be it Enacted, That when and so soon as the Committee to be appointed as aforesaid shall have prepared the said Rate, they shall cause the same to be printed in such form as they may think proper, and shall forthwith cause to be sent by the General Post, or otherwise, one copy of the same to every acting Justice of the Peace for the county, riding or division, and to the Overseers of the Poor of every parish and place within the same included in such Rate; and such Overseers of the Poor shall, within *Twenty-one* Days after the receipt of such Rate, call a Vestry Meeting of the parishioners or inhabitants of such parish or place, and shall submit the said copy of the said Rate to the parishioners and inhabitants assembled at such Vestry Meeting: and it shall be lawful also for any rated inhabitant of such parish or place, at all reasonable times, to inspect and examine the said copy of the said Rate, whilst the same shall remain in the custody of any of the officers of the said parish or place, and to take extracts or copies therefrom, without the payment of any fee for the same.

11.  
Notice of the  
time within  
which objec-  
tions may be  
made to the  
proposed Rate  
to be sent to  
the Overseers.

And be it Enacted, That together with the copy of such proposed Rate there shall also be sent by the said Committee to the Overseers of the Poor of every such parish or place a notification of a reasonable time, not less than *One Month*, within which any objections to the proposed Rate may be forwarded to the said Committee by such Overseers, or by any person affected by such Rate; and it shall be lawful for the said Committee to fix a time and place when and where such objections will be taken into consideration by the said Committee, and for hearing the parties making such objections, as to the said Committee shall appear most expedient.

And

And be it Enacted, That at the Court of General or Quarter Sessions of the Peace holden next after such proposed Rate shall have been finally corrected and approved of by the said Committee, the said Rate shall be laid before the said Court by the said Committee, and such Court shall thereupon order public notice to be given in one or more of the newspapers usually circulated within the county, that such Rate will be taken into consideration at the then next General or Quarter Sessions of the Peace to be held for the said County, and shall adjourn the consideration thereof to such then next General or Quarter Sessions of the Peace accordingly; and at such General or Quarter Sessions of the Peace for each county, riding or division, the Court shall proceed to take the same into consideration, and to alter and amend the same as to them shall seem proper, and, if they think fit, to allow and confirm the said Rate: Provided nevertheless, That it shall be lawful for the said Court, instead of making any alteration in the said Rate, or allowing and confirming the same, to refer back the said Rate for amendment to the said Committee, and to adjourn the consideration thereof to some future General or Quarter Sessions of the Peace; and in such case the said Committee shall have the same powers and authorities for requiring returns and ascertaining the value of rateable property in order to the revising or amending of the said Rate, as are hereinbefore given to them for preparing the same; and all the clauses and provisions hereinbefore contained for preparing the said Rate shall be applicable in every respect to the revision or amendment of the said Rate; and any amendment or alteration of such Rate by the said Committee shall be reported and taken into consideration at the General or Quarter Sessions of the Peace to which the consideration thereof was adjourned: Provided also, That no alteration or amendment of the said Rate made by the said Committee shall be allowed or confirmed by the Court of General or Quarter Sessions of the Peace until *Fourteen Days'* previous notice thereof shall have been sent by post, or otherwise, by the said Committee, to every parish and place to which such alteration or amendment shall apply.

12.  
Notice to be given when Rate will be taken into consideration by Court of General or Quarter Sessions.

And be it Enacted, That when the Court of General or Quarter Sessions of the Peace shall have allowed and confirmed the said Rate, the same shall be taken to be made and shall be valid, legal and effectual, to all intents and purposes, notwithstanding any irregularity may have arisen in the making thereof, and notwithstanding the officers of any parish or place may have omitted to make the returns hereinbefore mentioned, subject nevertheless at all times to appeals against the same as hereinafter provided; and the said Court shall cause copies of the said Rate to be printed, and shall direct one of

13.  
Rate to be deemed valid after confirmation by Court of General or Quarter Sessions.

such copies to be sent to every acting Justice of the Peace for the county, riding or division, and one copy to the Overseers of the Poor of every parish and place within the same assessed to such Rate.

14.  
Parishes ag-  
grieved may  
appeal.

And be it Enacted, That if the Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other inhabitant or inhabitants of any parish, township or place, whether parochial or otherwise, where there is no Churchwarden or Overseer, or person appointed to act as such, shall at any time after the said Rate has been made, as aforesaid, have reason to think that such parish, township or place is aggrieved by any such Rate, whether it be on account of the proportions assessed upon the respective parishes, townships or places being unequal, or on account of some one or more of them being, without sufficient cause, omitted altogether from the rate, or on account of such parish, township or place being rated on a sum beyond the full and fair annual value of the rateable property therein, or on account of some other parish or parishes, township or townships, place or places, being rated on a sum less than the full and fair annual value of the rateable property therein, or on account of any other just cause of complaint whatsoever, it shall be lawful for such Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other inhabitant or inhabitants where there is no Churchwarden or Overseer, or person appointed to act as such, to appeal to the Justices of the Peace for the county, at any General or Quarter Sessions, against such part of the Rate only as may affect the parish or parishes, township or townships, place or places which are unequally rated, or which shall appear to be over-rated or under-rated, or omitted altogether from the rate as aforesaid (subject to the provisions hereinafter contained); and the said Justices are hereby empowered to hear and determine the same in the manner by this Act directed, and either to confirm such parts of the rate as have been appealed against, or to correct such inequalities, disproportions or omissions as shall be proved to exist therein, in such manner as to them, the said Justices, shall appear fair, just and equitable; anything in this Act, or any former Act or Acts, or any law, usage or custom to the contrary thereof notwithstanding: Provided, nevertheless, That upon any appeal no such rate shall be quashed or destroyed in regard to any other parish, township or place, unless in cases where the Justices of the Peace of any county, in General or Quarter Sessions assembled, or the major part of them, shall deem it necessary to proceed to the making of an entire new rate, and shall proceed therein according to the provisions of this Act.

15.  
Hearing and  
determining  
Appeals.

And be it Enacted, That it shall be lawful for the Court of General or Quarter Sessions of the Peace, upon any appeal before them in pursuance

pursuance of the power herein contained, instead of hearing the said appeal, to order and direct, upon the application of the appellants or respondents in such appeal, a survey and valuation, not only of their respective parishes, but also of all, any or either of the parishes likely,  
 5 in the judgment of the Court, to be affected by such appeal, and shall fix the next or some subsequent Sessions for receiving such survey and valuation, and for hearing and determining the said appeal; and such Court shall also thereupon appoint a proper person or persons to make such survey and valuation; and the person or persons so appointed  
 10 shall for that purpose have full power, and he and they are authorized, with or without assistants, to enter upon, view and examine, survey, measure and value all and any lands and rateable property within the parishes and places mentioned in such order; and such survey and valuation shall be reported to the General or Quarter  
 15 Sessions fixed as aforesaid for receiving the same; and the Court then and there assembled shall proceed to hear and determine the said appeal in the manner hereinbefore set forth: Provided always, That the charges and expenses of and attending the survey and valuation aforesaid shall be deemed costs in the appeal, and abide the  
 20 event thereof; and it shall be lawful for the Court before which any appeal shall be heard and determined by virtue of this Act, to order such costs in and about the said appeal to be paid by either party, appellant or respondent, as in their discretion they shall think fit, save and except that in all cases in which any parish or place shall appeal,  
 25 by reason only that the rateable property within such parish is rated beyond the full and fair annual value thereof, and the Court before which such appeal is heard shall determine in favour of the appellants, then their costs and charges in and relating to the said appeal, to be ascertained by the said Court; shall be ordered by the  
 30 Court to be paid by the Treasurer of the County Rates, out of the monies in his hands belonging to the County stock.

Provided always, and be it Enacted, That no appeal shall be heard in any case where the Churchwardens and Overseers of the Poor, or other person as aforesaid, of one parish or place, shall appeal  
 35 against the assessment on any other parish or place, on account of the same being altogether omitted from such rate, or on account of the same being rated at less than the full and fair annual value thereof as aforesaid, unless *Twenty-one* Days' previous notice, in writing, of the intention to appeal, and of the cause and matter thereof, be given to the Overseers of the Poor of such other parish or place; and in  
 40 all cases in which such appeal shall be intended to be brought on the ground that the assessment on the parish intended to be appellant therein is beyond the full and fair annual value of the rateable property therein, or on any other ground than as aforesaid, the parish officers

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C

or

16.  
 Notices of  
 Appeal.

or parties intending to bring such appeal shall give *Twenty-one Days'* notice thereof, in writing, with the cause and matter thereof, to the Clerk of the Peace of the County ; but in no case of appeal to be brought under this Act, shall any further or other notice of appeal be given than is by this Act required, any law, statute or usage to the contrary notwithstanding. 5

17.  
Penalty on  
persons ob-  
structing  
Overseers, &c.

And be it Enacted, That in case any person or person shall in any manner wilfully resist or obstruct any Overseer, Collector, Surveyor or other person in the execution of his or their duty under this Act, such person, on being duly convicted thereof, shall forfeit and pay any sum 10 not exceeding *Five Pounds*, to be prosecuted for and recovered before any Two or more of Her Majesty's Justices of the Peace for the county wherein the offence shall be committed.

18.  
Penalties and  
Forfeitures,  
Costs and  
Charges may  
be levied by  
Distress and  
Sale of offend-  
ers' goods.

Committal.

In what man-  
ner to be ap-  
plied.

And be it Enacted, That all penalties and forfeitures by this Act inflicted or authorized to be imposed for any offence against the same, 15 shall, upon proof and conviction of the offences respectively, before any Two Justices, as hereinbefore directed, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such Justices are in every case hereby fully authorized to administer), be levied, together with the costs attending the information 20 summons and conviction, by distress and sale of the goods and chattels of the offender, by warrant under the hands of the Justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any Two Justices, (which war- 25 rant such Justices are hereby empowered and required to grant), and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned upon demand, unto the owner or owners of such goods and chattels ; and if, upon the return of such warrant, it shall appear that no sufficient dis- 30 tress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county where the offender shall be or reside, there 35 to remain, without bail or mainprize, for any term not exceeding *Three* calendar Months, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied ; and the said penalties and forfeitures when recovered shall be paid to the Treasurer of the county, riding or division, in which such offence shall have been committed or forfeiture incurred, to be applied in aid of the Rates of the said county, riding or division.

And

And be it Enacted, That all the powers, authorities, provisions clauses and regulations contained in any former Act or Acts relating to the assessment, collection and levying of County Rates, (save and except such parts thereof respectively as are hereby varied, altered or repealed), shall be good, valid and effectual for the purposes of assessing, levying, collecting and enforcing the payment of the rate or rates hereafter to be made in pursuance of this Act, and for carrying this Act into execution.

19.  
Applying  
provisions of  
former Acts  
to this Act.

*County Rates.*

A

**B I L L**

To amend the Laws relating to the assessing,  
levying and collecting of County Rates.

(Prepared and brought in by  
*Sir John Yarde Buller, Lord Courtenay, and*  
*Viscount Ebrington.*)

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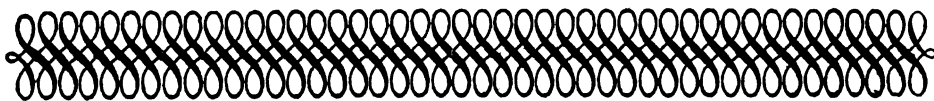
(Ordered, by The House of Commons, to be Printed,  
2 May 1845.

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270.

*Under 2 oz.*

13 June 1845.—8 VICT.



A

# B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Laws relating to the assessing,  
levying and collecting of County Rates.

NEW TITLE FOR THIRD READING:

AN ACT *to amend the Laws relating to the assessing of  
County Rates.*

[N.B.—The Clauses marked (A.) to (F.) were added by the Committee.]

**W**HEREAS it is expedient to amend the Laws in being relating to the assessing of County Rates; **B**E it therefore

Preamble.

**E**nacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

- 5 Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, it shall be lawful for Her Majesty's Justices of the Peace of every county in England, assembled at their General or Quarter Sessions of the Peace, or at any adjournment thereof, from time to time, as often as they
- 10 may deem it necessary, to appoint any number of Justices, not exceeding Eleven in number, nor less than Five, to be a Committee for the purpose of preparing fair and equal County Rates, or of altering and amending such rates, from time to time, as circumstances may require.

1.  
Justices at Sessions to appoint Committees for assessing County Rates.

- And be it Enacted, That the Committee so appointed shall hold their
- 15 first meeting after their appointment at such time and place as shall be fixed by the said Court of Quarter Sessions; and their subsequent meetings at such times and places as they shall themselves appoint for carrying this Act into execution; and at every meeting of the said Committee, if Three or more members thereof are present, they shall be competent to act as fully and effectually as if all the members of the said Committee were present.

2.  
Meetings of Committee.

3.  
CLAUSE (A.)  
Committee  
may appoint  
a Clerk.

And be it Enacted, That such Committee may from time to time, as they may see fit, appoint a Clerk to assist them in the execution of their duties, under the provisions of this Act, and may at any time remove such Clerk, and appoint another in his stead.

4.  
Committees  
to make and  
award County  
Rates.

And be it Enacted, That for the purpose of preparing such fair and equal County Rates, the said Committee, by their order in writing, to be signed by their Clerk, may from time to time, as often as they may deem it necessary, direct the overseers of the poor, constables, assessors and collectors of public rates, of or for any parish, township or place within the county, and all other persons having the custody or management of any public or parochial rates or valuations of any such parish, township or place, to make returns in writing to the said Committee, at such times and places as they may appoint, of the amount of the full and fair annual value of the whole or of any part of the property within the parish, township or place liable to be assessed toward the County Rate ; and the overseers of the poor required to make any such return, in respect of any parish, township or place, maintaining its own poor, and the constable, or other person required to make any such return, in respect of any place not maintaining its own poor, shall, before they present the same to the said Committee, lay the same before a vestry meeting of the parish, township or place for which they act, or where no vestry meeting is held, before some other meeting of the inhabitants of such place, if any such there be, at which the public business of such place is commonly transacted.

5.  
CLAUSE (B.)  
Declaration of  
the property  
liable to the  
County Rate.

And be it Declared and Enacted, That the property liable to be assessed towards the County Rate shall be taken to be the property which in any parish or place maintaining its own poor is liable to be rated to the relief of the poor, or which in any place not maintaining its own poor would be liable to be rated for the relief of the poor if such place were a parish.

6.  
Declaration  
of the mean-  
ing of the  
words "full  
and fair an-  
nual value."

And be it Declared and Enacted, That for the purposes of assessing any County Rate, the words "full and fair annual value" shall be taken to mean the net annual value of any property, as the same is or may be required by law to be estimated for the purpose of assessing the rates for the relief of the poor.

7.  
Committees  
empowered to  
inspect Rates,  
Assessments,  
Valuations,  
&c.

And be it Enacted, That the said Committee may from time to time, as often as they may deem it necessary, by their order in writing, signed as aforesaid, require the said overseers of the poor, constables, assessors, collectors, and any other persons whomsoever, to appear before them when and where and as often as the said Committee may deem expedient, and to produce all parochial and other rates, assessments, valuations

valuations, apportionments and other documents in their custody or power relating to the value of, or assessment on, all or any of the property within the several parishes and places aforesaid, which may be liable to be assessed toward the County Rate, and to be examined on oath, and answer such questions as the said Committee may put to them respectively touching the said rates, assessments, valuations or apportionments, or the value of the property aforesaid; and the said Committee shall be authorized and empowered to administer such oath, and to examine the parties upon oath as aforesaid.

8. Penalty on Church-wardens or others refusing to attend or produce documents.

10 And be it Enacted, That every overseer of the poor, constable, assessor, collector, or other person so required to make returns, or to appear as aforesaid, who shall, without any reasonable excuse, neglect to make such returns in writing as aforesaid, or wilfully make any false return, and every person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such documents as hereinbefore provided, shall forfeit a sum not exceeding Twenty Pounds, to be prosecuted and recovered by order of the said Committee before any Two of Her Majesty's Justices of the Peace.

9. Committees may cause new Valuations to be made.

20 And be it Enacted, That the said Committee may from time to time and so often as they may think fit, by their order in writing, to be signed as aforesaid, direct that the whole or any part of any parish, township or place within the county shall be valued, and may appoint one or more person or persons to make such valuation; and the person or persons so appointed, may at all reasonable times, and with or without assistants, enter upon, view, examine, survey and measure, all and any lands, houses or other property within such parish, township or place, liable to be assessed toward the County Rate, in order to ascertain the value at which the same ought respectively to be charged.

10. Allowances and compensation to person employed in the execution of this Act.

35 And be it Enacted, That the said Committee from time to time may make such allowances and compensations to their clerk, and to the overseers, constables, collectors, surveyors or other persons employed in the execution of this Act, as to them shall appear reasonable and proper, which, together with the costs of printing and other expenses necessarily incurred by the said Committee in or about the preparing or amending any rate, shall be paid by an order of the Court of General or Quarter Sessions of the Peace out of the county stock.

11. If Parish Officers make false returns, expenses of Valuations to be paid by Parishes.

40 And be it Enacted, That if any Overseers neglect to make any such return in writing as aforesaid, or wilfully make any false return or statement of the amount of the full and fair annual value of the property within the parish, township or place, liable to be

be assessed towards the County Rate, any Court of General or Quarter Sessions of the Peace, upon the report of the said Committee, may order that the whole of the expenses incurred by the said Committee in ascertaining the amount of the full and fair annual value of the same, shall be charged upon the parish, township or place of which the Overseers have been guilty of such neglect or misconduct as aforesaid, in addition to the proportion of the County Rate to be paid by such parish, township or place; and such expenses shall be raised, levied and collected by such and the like ways and means as County Rate can or may be raised, levied and collected, and shall be paid therewith, due distinction being made in the case of every such additional assessment between the sum or sums charged for any such expenses, and the sum or sums assessed for the County Rate.

12.  
Rates to be  
printed and  
distributed.

And be it Enacted, That when and so soon as the Committee appointed as aforesaid have prepared any County Rate in which the total amount of the annual value of the property in any parish or place within the county is estimated at a greater or less amount than in the last preceding County Rate, they shall cause such Rate to be printed in such form as they may think proper, and shall forthwith cause to be sent by the General Post, or otherwise, one copy of the same to every acting Justice of the Peace for the county, and to the Overseers of the Poor, Constables or other persons charged with the collection or levy of the County Rate in every parish and place within such county; and such Overseers of the Poor, Constables or other persons shall, within Twenty-one Days after the receipt of such Rate, call a Vestry Meeting of such parish or place, and shall submit the said copy of the said Rate to such Vestry Meeting; and any person rated to the relief of the poor or liable to contribute to the County Rate in such parish or place, may at all reasonable times, inspect and examine the said copy of the said Rate, whilst the same remain in the custody of any such Overseer, Constable or other person, and take extracts or copies therefrom, without the payment of any fee for the same.

13.  
Notice of the  
time within  
which objec-  
tions may be  
made to the  
proposed Rate  
to be sent to  
the Overseers.

And be it Enacted, That, together with the copy of such proposed Rate, there shall also be sent by the said Committee to the Overseers of the Poor or Constable of every such parish or place or other person as aforesaid a notification of a reasonable time, not less than One calendar Month, within which any objections to the proposed Rate may be forwarded to the said Committee by such Overseers or Constable or other person as aforesaid, or by any person affected by such Rate; and the said Committee shall fix a time and place when and where such objections will be taken into consideration by the said Committee, and for hearing the parties making such objections.

And

And be it Enacted, That when any proposed Rate has been finally corrected and approved of by the said Committee, they shall lay the same before the Court of General or Quarter Sessions holden next thereafter, and such Court shall thereupon order public notice to be  
 5 given in one or more of the newspapers usually circulated within the county, that such Rate will be taken into consideration at the then next General or Quarter Session of the Peace to be held for the said county, and at such General or Quarter Session of the Peace the Court shall proceed to take the same into con-  
 10 sideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said Rate, or instead of making any alteration in the said Rate, or allowing and confirming the same, to refer back the said Rate for amendment to the said Committee, and to adjourn the consideration thereof to  
 15 some future General or Quarter Session of the Peace; and in such last-mentioned case the said Committee shall have the same powers and authorities for requiring returns and ascertaining the value of property liable to be assessed toward the County Rate, in order to the revising or amending of the said Rate, as are hereinbefore given to them for  
 20 preparing the same; and all the clauses and provisions hereinbefore contained for preparing any Rate shall be applicable in every respect to the revision or amendment of the same; and any amendment or alteration of such Rate by the said Committee shall be reported and taken into consideration at the General or Quarter Session of the  
 25 Peace to which the consideration thereof was adjourned; but before any alteration or amendment of the said Rate made by the said Committee be allowed or confirmed by the Court of General or Quarter Session of the Peace, the said Committee shall send at least Fourteen Days' previous notice thereof, by post or otherwise, to every parish  
 30 and place with respect to which such alteration or amendment is made.

14.  
 Notice to be given when Rate will be taken into consideration by Court of General or Quarter Sessions

And be it Enacted, That when the Court of General or Quarter Sessions of the Peace have so allowed and confirmed any Rate, the same shall be taken to be made and shall be valid, legal and effectual, to all intents and purposes, notwithstanding any irregularity  
 35 may have arisen in the making thereof, and notwithstanding the officers of any parish or place may have omitted to make the returns hereinbefore mentioned, subject nevertheless at all times to appeals against the same as hereinafter provided; and the said Court shall cause copies of the said Rate to be printed, and shall direct one of  
 40 such copies to be sent to every acting Justice of the Peace for the county, and one copy to the Overseers of the Poor, constable or other person charged with the collection and levy of the County Rate in every parish and place within the said county.

15.  
 Rate to be deemed valid after confirmation by Court of General or Quarter Sessions

16.  
Parishes ag-  
grieved may  
appeal.

Notices of  
Appeal.

And be it Enacted, That if at any time after the said Rate has been made, as aforesaid, any Overseer or Overseers of the Poor, constable or other person charged with the collection and levy of County Rate in any parish or place, or other inhabitant or inhabitants thereof, have reason to think that such parish, township or place is aggrieved by any such Rate, whether it be on account of some one or more of them being, without sufficient cause, omitted altogether from the rate, or on account of such parish, township or place being rated on a sum beyond the full and fair annual value of the property therein liable to be assessed toward the County Rate, or on account of some other parish or parishes, township or townships, place or places, being rated on a sum less than the full and fair annual value of the property therein liable to be assessed toward the County Rate, such Overseer or Overseers of the Poor, constable or other person or inhabitant or inhabitants may appeal to the Justices of the Peace for the county, at the General or Quarter Session to be holden next after the Session at which such Rate was allowed and confirmed, against such part of the Rate only as may affect the parish or parishes, township or townships, place or places which appear to be over-rated or under-rated, or omitted altogether from the rate as aforesaid (subject to the provisions hereinafter contained); and if in any case where any Overseer or Overseers, constable or other person as aforesaid, of one parish or place, appeals against the rate on any other parish or place, on account of the same being altogether omitted from such rate, or on account of the same being rated at less than the full and fair annual value thereof as aforesaid, such Overseer or Overseers, constable or other person, give Twenty-one Days' previous notice, in writing, of the intention to appeal, and of the cause and matter thereof to the Overseers of the Poor, or where there are no such Overseers, to the constable or other person charged with the collection and levy of County Rate in such other parish or place, and if in any case where any such Overseer or Overseers, constable or other person appeal against the rate on the ground that any parish, township or place is rated on a sum beyond the full and fair annual value of the rateable property therein, such Overseer or Overseers, constable or other person give Twenty-one Days' notice thereof, in writing, with the cause and matter thereof, to the Clerk of the Peace of the County, the said Justices shall be empowered to hear and determine such appeal in the manner by this Act directed, and either to confirm such parts of the rate as have been appealed against, or to correct such inequalities or omissions as shall be proved to exist therein, in such manner as to them, the said Justices, may appear fair, just and equitable; but no such rate shall upon any appeal be quashed or destroyed in regard to any other parish, township or place, unless in cases where the Justices of the Peace, in General or Quarter Session assembled, or the

the major part of them, deem it necessary to proceed to the making of an entire new rate, and where they proceed therein according to the provisions of this Act.

And be it Enacted, That it shall be lawful for the Court of General or Quarter Session of the Peace, upon any such appeal, instead of hearing the said appeal, to order upon the application of the appellant or respondent in such appeal, a survey and valuation of their respective parishes, townships or places, and shall fix the next or some subsequent Session for receiving such survey and valuation, and for hearing and determining the said appeal; and such Court shall also thereupon appoint a proper person or persons to make such survey and valuation; and the person or persons so appointed shall for that purpose have full power, with or without assistants, to enter upon, view and examine, survey, measure and value all and any lands, houses and property liable to be assessed toward the County Rate within the parishes, townships and places mentioned in such order; and such survey and valuation shall be reported to the General or Quarter Session fixed as aforesaid for receiving the same; and the Court then and there assembled shall hear and determine the said appeal in the manner hereinbefore set forth.

17.  
Hearing and  
determining  
Appeals.

And be it Enacted, That every person who in any manner wilfully resists or obstructs any Overseer, Collector, Surveyor or other person in the execution of his or their duty under this Act, shall forfeit and pay any sum not exceeding Five Pounds, to be prosecuted and recovered before any Two or more of Her Majesty's Justices of the Peace for the county wherein the offence is committed.

18.  
Penalty on  
persons ob-  
structing  
Overseers, &c

And be it Enacted, That all penalties and forfeitures by this Act authorized to be imposed for any offence against the same, shall, upon proof and conviction of the offences respectively, before any Two Justices, as hereinbefore directed, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such Justices is hereby authorized to administer), be levied, together with the costs attending the information, summons and conviction, by distress and sale of the goods and chattels of the offender, by warrant under the hands of the Justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any Two Justices (which warrant such Justices are hereby empowered and required to grant), and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned upon demand, unto the owner of such goods and chattels; and if, upon the return of such warrant, it appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by

19.  
Penalties and  
Forfeitures,  
Costs and  
Charges may  
be levied by  
Distress and  
Sale of offend-  
ers' goods.

Committal.

warrant under their hands, to cause such offender to be committed to the common gaol or house of correction of the county where the offender may be or reside, there to remain, without bail or mainprize, for any term not exceeding Three calendar Months, unless such penalties and forfeitures, and all reasonable charges attending the same, be sooner paid and satisfied; and the said penalties and forfeitures when recovered shall be paid to the Treasurer of the county, in which such offence may have been committed or forfeiture incurred, to be applied in aid of the Rates of the said county. 5

In what manner to be applied.

20.  
CLAUSE (C.) Sessions to determine Costs of Appeal and of valuation ordered by Sessions. And be it Enacted, That the charges and expenses of and attending any survey and valuation ordered to be made by any Court of Quarter Sessions in such appeal as aforesaid, shall be deemed costs in such appeal, and abide the event thereof; and the Court before which any such appeal is heard and determined may order the costs in and about such appeal to be paid by either party, appellant or respondent, as they in their discretion may think fit; but where any appeal is made on the ground that any parish, township or place is rated on a sum beyond the full and fair annual value of the property therein, if the Court before which such appeal is heard determine in favour of the appellants, such Court shall ascertain the costs and charges incurred by such appellants in and about such appeal, and shall order the Treasurer of the County Rates to pay the same to such appellants out of the public stock of the county in his hands. 10 15 20.

21.  
CLAUSE (D.) Costs of valuations directed by Committee. And be it Enacted, That in any case where any Committee appointed as aforesaid have directed the whole or any part of any parish, township or place to be valued, and where in the Rate afterwards allowed and confirmed by any Court of Quarter Session upon the report of such Committee, such parish, township or place is rated on a sum greater than the same set forth in the returns made to such Committee by the Overseers of the Poor, Constable or other person required to make such return in any place not maintaining its own poor, if there be no appeal against the rate on such parish, township or place at the General or Quarter Session holden next after such confirmation or allowance thereof, the Justices of the Peace at such Session shall order the Overseers, Constable or other person as aforesaid of such parish, township or place to pay the amount of the expenses incurred in making such valuation; and in any such case as aforesaid, if there be an appeal to the Justices of the Peace at any General or Quarter Session against the Rate, on the ground that such parish, township or place is rated on a sum beyond the fair annual value of the property therein, and if on such appeal such Rate is confirmed as to such parish, township or place, or if it be not reduced to or below the sums set forth in the returns made to such Committee as aforesaid, the Justices of the Peace at such Session shall order the Overseers, 25 30 35 40

seers, Constable or other person as aforesaid of such parish, township-  
 or place to pay the amount of the expenses incurred in making  
 the valuation under the direction of the Committee ; and such expenses  
 shall be raised, levied and collected by such and the like ways and  
 5 means as County Rate can or may be raised, levied and collected, and  
 shall be paid therewith, due distinction being made in the case of every  
 such additional assessment between the sums charged for or on account  
 of any such expenses, and the sum or sums assessed as and for the  
 County Rate.

10 And be it Enacted, That all the powers, authorities, provisions  
 clauses and regulations contained in any former Act or Acts relating  
 to the assessment, collection and levying of County Rates, (save and  
 except such parts thereof respectively as are hereby varied, altered or  
 repealed), shall be good, valid and effectual for the purposes of assessing,  
 15 levying, collecting and enforcing the payment of the rate or rates  
 hereafter to be made in pursuance of this Act, and for carrying this  
 Act into execution.

22.  
 Applying  
 provisions of  
 former Acts  
 to this Act.

And be it Enacted, That in the construction of this Act, the word  
 "county" shall mean and include any riding or division having a sepa-  
 20 rate commission of the peace, and any liberty, franchise, or other place  
 in which rates in the nature of County Rates may be levied, having a  
 separate commission of the peace, and not subject to the jurisdiction of  
 the county or counties at large in which such liberty, franchise or  
 place may lie, nor contributing or paying to the County Rates made  
 25 for such county or counties at large ; and that the words " County  
 Rate " shall mean and include every rate or tax assessed in any  
 county, for all or any of the purposes to which County Rate or stock  
 is or may hereafter be made liable.

23.  
 CLAUSE (E.)  
 The Act  
 extended to  
 all places hav-  
 ing separate  
 Commission  
 of the Peace,  
 and to all  
 Rates of the  
 nature of  
 County Rates.

And be it Enacted, That this Act may be amended or repealed by  
 any Act to be passed in this Session of Parliament.

24.  
 CLAUSE (F.)  
 Act may be  
 amended or  
 repealed.

*County Rates.*

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Laws relating to the assessing,  
levying and collecting of County Rates.

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NEW TITLE FOR THIRD READING:

AN ACT to amend the *Laws relating to the  
assessing of County Rates.*

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(Prepared and brought in by  
*Sir John Yarde Buller, Lord Courtenay, and  
Viscount Ebrington.*)

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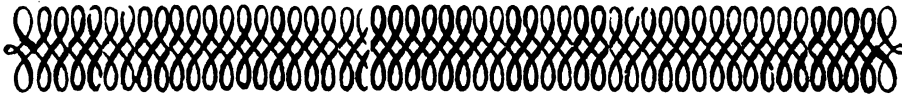
*Ordered, by The House of Commons, to be Printed,  
13 June 1845.*

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375.

*Under 2 oz.*

21 July 1845.—9 VICT.



A

# B I L L,

INTITULED,

AN ACT for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery ; and for providing for the Discharge of the Duties of the Subpœna Office, after the Death, Resignation or Removal of the present Patentee of that Office.

**W**H ~~H~~ ~~E~~ ~~R~~ ~~E~~ ~~A~~ ~~S~~ an Act was passed in the fourth year of the reign of Her present Majesty, intituled, " An Act for facilitating the Administration of Justice in the Court of Chancery," whereby power was given to the Lord Chancellor, with the advice and consent of the Master of the Rolls and the Vice-Chancellor, or One of them, to make, from time to time, and at any time within Five years from the passing of the said Act, any Rules, Orders and Regulations for the purposes in the said Act mentioned; and it was thereby enacted, that all such Rules, Orders and Regulations should be laid before both Houses of Parliament, if Parliament should be then sitting, immediately upon the making or issuing of the same, or if Parliament should not then be sitting, then within Five Days after the next Meeting thereof :

Preamble :  
3 & 4 Vict.  
c. 94.

And whereas another Act was passed in the fifth year of the reign of Her present Majesty, whereby it was enacted, that every such Rule, Order or Regulation, made in pursuance of the said recited Act should, from and after the time in that behalf to be appointed by the Lord Chancellor, with such advice and consent as aforesaid, and if no time should be so appointed, then from and after the making thereof, be binding and obligatory on the said Court, and be of like force and effect as if the provisions therein contained had been expressly enacted by

4 & 5 Vict.  
c. 52.

by Parliament ; and it was thereby provided, that if either of the Houses of Parliament should, by any Resolution passed at any time before such House of Parliament should have actually sat Thirty-six Days after such Rules, Orders and Regulations should have been laid before such House of Parliament, resolve that the whole or any part of such Rules, Orders or Regulations ought not to continue in force, in such case the whole, or such part thereof as should be so included in such Resolution, should from and after such Resolution cease to be binding and obligatory on the said Court ; and it was thereby also provided, that no such Rule, Order or Regulation as aforesaid should by virtue of the said Act be of the like force and effect as if the provisions therein contained had been expressly made by Parliament, unless the same should be expressed to be made in pursuance of the said Act, and of the now-reciting Act ; and that every such Rule, Order or Regulation so expressed to be made in pursuance of the said Act and of the now-reciting Act, which should not be laid before both Houses of Parliament within the time by the said recited Act limited for that purpose, should, from and after the expiration of such time, be absolutely void and of no effect :

5 Vict. c. 5.

And whereas an Act was passed in the fifth year of the reign of Her present Majesty, intituled, " An Act to make further Provision for the Administration of Justice," under the authority of which Two additional Vice-Chancellors have been appointed ; and it was thereby enacted, that from and after the appointment of the Vice-Chancellors under the said now-reciting Act, it should be lawful for the Lord Chancellor, with the advice or consent of the Master of the Rolls and Vice-Chancellors for the time being, or any Two of them, and he was thereby authorized and empowered, to do all such acts, and to make and issue all such Rules and Orders, as by any Act or Acts of Parliament then in force the Lord Chancellor, with the advice or consent of the Master of the Rolls and the Vice-Chancellor for the time being, or One of them, was empowered to do, make or issue :

That Rules, Orders, &c. have been made, but it is expedient to extend the time.

And whereas Rules, Orders or Regulations have from time to time been made in pursuance of the said two first-recited Acts, but it is expedient to extend the time limited by the said first-recited Act for the making thereof in manner hereinafter mentioned ;

1.  
Said Rules, &c. extended to Ten Years.

~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the term of Five Years, which under and by virtue of the said first-recited Act now stands limited as the time within which any Rules, Orders or Regulations thereby or by the said two other Acts authorized and required to be made, must

must be so made, shall be and the same is hereby extended to Ten Years from the passing of the said first-recited Act, as if such term of Ten Years had been originally contained in that Act.

5 And be it Enacted, That all Rules, Orders and Regulations made and to be hereafter made under the provisions of the said recited Acts and this Act, shall, for all purposes be deemed and taken to be General Rules and Orders of the High Court of Chancery.

2.  
Rules, &c.  
made under  
first-recited  
Act to be  
deemed Ge-  
neral Orders,  
&c. of Chan-  
cery.

10 AND whereas by another Act passed in the fourth year of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England," it was enacted, that from and after the death, resignation or removal from his office of the present Patentee of the Subpœna Office, all the duties of such office should be performed by the Clerk of the Affidavits: AND  
15 whereas, since the passing of the last-mentioned Act Four Clerks of Records and Writs have been appointed, by whom the business of issuing Writs on the Equity side of the Court of Chancery, other than such Writs as are Writs as by the Patentee of the Subpœna Office is now discharged : AND whereas it is expedient that the duties of  
20 the Patentee of the Subpœna Office should be performed by the said Clerks of Records and Writs ; BE it therefore Enacted, That so much of the said Act of the fourth year of the reign of his said late Majesty, as provides for the execution of the duties of the Subpœna Office by the Clerk of the Affidavits, shall be and the same is hereby  
25 repealed ; and that after the death, resignation or removal from his office of the present Patentee of the Subpœna Office, the said Clerks of Records and Writs, or any One of them, shall, in place and instead of the said Clerk of the Affidavits, perform all the duties of the Subpœna Office, under such regulations as the Lord Chancellor,  
30 with the advice and consent of the Master of the Rolls and Vice-Chancellors for the time being, or any Two of them, shall by any Order direct : Provided always, That it shall be lawful for the Lord Chancellor, with such advice and consent as aforesaid, by any Rule or Order to be made under the provisions of the said two first-recited Acts, to  
35 fix such earlier time for transferring the execution of the duties of the Subpœna Office to the Clerks of Records and Writs as he shall think fit.

3.  
3 & 4 W. 4,  
c. 94 ;  
Recites ap-  
pointment of  
Four Clerks  
of Records  
and Writs,  
by whom cer-  
tain Writs  
are now  
issued ;  
That the  
duties of the  
Subpœna  
Office should  
be discharged  
and the Fees  
received by  
the Clerks of  
Records and  
Writs.

Repeal of  
Section 12,  
3 & 4 W. 4,  
c. 94 ;

and transfer  
to the Clerks  
of Records  
and Writs of  
the Duties of  
the Patentee  
of the Sub-  
pœna Office.

And be it Enacted, That this Act may be amended or repealed in the present Session of Parliament.

4.  
Act may be  
amended, &c.

*Court of Chancery.*

A

**B I L L,**

INTITULED,

AN ACT for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpoena Office, after the Death, Resignation or Removal of the present Patentee of that Office.

*(Brought from the Lords, 17 July 1845.)*

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*Ordered, by The House of Commons, to be Printed,  
21 July 1845.*

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552.

*Under 1 oz.*



A

# B I L L,

INTITULED,

AN ACT to authorize, in certain Cases, Summons to be raised and served, and Action to be proceeded with, against Persons resident out of the Jurisdiction of the Supreme Civil Court in Scotland.

- W**H~~EREAS~~ the means of obtaining Judgment against any person not within the Jurisdiction of the Supreme Civil Court in Scotland are in many cases tedious and expensive, and in some cases impossible; and it is expedient to simplify and improve the same; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT where any person against whom any right of action shall exist shall be resident out of the Jurisdiction of the Court of Session in Scotland, whether within the dominions of Her Majesty, Her heirs and successors, or elsewhere, in case it shall be set forth in any Bill for Summons presented to the Lords of Council and Session, or to any one of their number officiating as Lord Ordinary on the Bills, and shall be made to appear by affidavit to the satisfaction of the said Lords or Lord Ordinary, that the cause of action in respect of which any Summons is about to be raised hath arisen within Scotland, and that such person was domiciled in Scotland when such cause of action arose, and that such person is a subject of the United Kingdom of Great Britain and Ireland, and has been for Six calendar Months at the least next before the making of such affidavit resident out of the Jurisdiction of the said Court, and also in what place or country such person is resident or may probably be found, then and in any such case it shall be lawful for the said Lords of Council and Session, or Lord Ordinary on the Bills, by a deliverance or order on such Bill (if the said Lords or Lord Ordinary shall think fit so to do), to pass such Bill, and to
264. order
- A

Preamble.

1.  
Court of  
Session or  
Lord Ordinary on the  
Bills to have  
power to  
allow Sum-  
mons against  
Persons  
resident out  
of the Juris-  
diction of the  
Court.

order or allow such Summons to be raised and signeted, and to be served upon such person, notwithstanding of such person being out of the jurisdiction of the said Court ; and such order shall be a sufficient warrant for such Summons being passed under Her Majesty's Signet.

2.  
Summons to  
set forth the  
nature, extent  
and grounds  
of the  
demand.

And be it Enacted, That every such Summons shall set forth in explicit terms the nature, extent and grounds of the cause of action, and the conclusion which the Pursuer shall by the law and practice of Scotland be entitled to deduce therefrom, in like manner as in other Summonses in the said Court. 5

3.  
Court or  
Lord Ordinary to fix  
the Induciae.

And be it Enacted, That the said Lords or Lord Ordinary shall, in and by any deliverance or order to be made as hereinbefore directed, specify the induciæ or period of time within which, after the service of the said Summons upon the Defender, the Defender shall be bound to appear in Court ; and the will of every such Summons shall direct the messenger or other person who may serve the same to cite the Defender to appear in Court on the last day of the induciæ, specified as aforesaid, and the induciæ shall run from the date of the service. 10 15

4.  
Defender  
may be cited  
by service  
and notice.

And be it Enacted, That the Defender may be cited to appear to such summons by service thereof, which service shall be by leaving or causing to be left with the Defender in person a full, true and correct copy of the Summons, including the will thereof, signed by the Agent for the Pursuer in the action, together with a notice subjoined or affixed thereto, which notice shall be in the form contained in the Schedule to this Act annexed, marked (No. 1.), or to the same effect ; and it shall not be a valid objection to such citation or service that the same has not been made by a Messenger-at-Arms or officer of Court, or that the person making such service had not the principal summons in his possession ; and such service or citation shall be as valid and effectual to all intents and purposes as citation duly made within the jurisdiction of the said Court by a Messenger-at-Arms. 20 25 30

5.  
Service may  
be instructed  
by Affidavit.

Affidavit  
may be made  
before any  
Governor,  
&c. where  
Defender is  
resident.

And be it Enacted, That the service of any summons in pursuance of the provisions of this Act may be instructed by affidavit of the person, being a subject of our Sovereign Lady The Queen, or a Notary Public, who made such service ; and such affidavit of service shall be in the form contained in the Schedule to this Act annexed, marked (No. 2.), or to the same effect, and shall and may be made before any person before whom affidavits may now by law be made, or before any Governor, Lieutenant-governor, Ambassador, Envoy, Minister, Secretary of Embassy or Legation, Consul General or Consul appointed by Her Majesty, Her heirs and successors, or his or their respective deputy or deputies, who may be resident within or nearest to 35 40

to the country, place or limits at or within which any such summons may be served as aforesaid; and every such Governor, Lieutenant-governor, Ambassador, Envoy, Minister, Secretary of Embassy or Legation, Consul General or Consul, or his or their respective deputy  
 5 or deputies, is and are hereby authorized and required to administer the oath to any person or persons desirous of making such affidavit, and to subscribe and take such affidavit accordingly.

Provided always, and be it Enacted, That every such oath and affidavit so to be made as aforesaid shall be as valid and effectual to  
 10 all intents and purposes as if the same had been respectively administered and made before any of Her Majesty's Justices, or before any other legal and competent authority whatsoever; and every person who shall wilfully make or take a false oath or affidavit under the provisions of this Act, being duly thereof convicted, shall be deemed  
 15 guilty of wilful and corrupt Perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

6.  
 Party making false Oath to be guilty of Perjury.

And be it Enacted, That an affidavit of service made as aforesaid shall be as valid and effectual, to all intents and purposes, as an execution of citation duly returned by a Messenger-at-Arms within the  
 20 jurisdiction of the said Court.

7.  
 Affidavit of Service to be as effectual as execution of Citation.

And be it Enacted, That upon production of any such Summons, and affidavit of service thereof, and after expiry of the induciæ, specified as aforesaid, such summons and action may be called, and  
 25 inrolled and proceeded with in the said Court, and judgment and decree pronounced in the same manner and to the same effect, and according to the same forms and regulations as are applicable to other summonses and actions in the said Court, or according to such forms and regulations as the Lords of Council and Session may by Act of  
 30 Sederunt direct to be observed.

8.  
 Summons may be called, enrolled, and proceeded with.

And be it Enacted, That any Defender who shall be resident out of the jurisdiction of the said Court, and shall have been served with a summons under the provisions of this Act, and shall give in defences to such summons, shall in his defences, or by a note at the foot thereof,  
 35 state some house or place within the jurisdiction of the said Court, at which notices or other proceedings in the said action directed to be served on the Defender may thereafter be served and delivered, and service and delivery thereof at such house or place shall be valid and effectual to all intents and purposes.

9.  
 Defender to state with his Defences where Notices may be served.

And be it Enacted, That where any person not within the jurisdiction of the said Court, shall be sued under the provisions of this

10.  
 Where a Co-defender is within the Jurisdiction of the Court.

Act along with any other person or persons who shall be within such jurisdiction, it shall and may be lawful for the Pursuer of such action to include in the summons such other person or persons, and in such case such other person or persons shall be cited in the same manner and on the same induciæ as if such other person or persons had been cited under a summons to which the provisions of this Act did not apply. 5

11.  
Proviso as to  
the existing  
Law and  
Practice.

Provided always, and be it Enacted, That nothing in this Act contained shall be held to preclude any Pursuer from raising and following out action, according to the existing law and practice of Scotland, against any person who by such law and practice is amenable to the jurisdiction of the Courts of Law in Scotland. 10

12.  
Interpreta-  
tion Clause.

And be it Enacted, That in the construction of this Act, the several words and expressions hereinafter mentioned shall (except where the nature of the provision or the context of the Act shall exclude such interpretation) be respectively interpreted as follows; (that is to say) the words "Defender" and "Person" shall respectively extend to all persons, whether having privilege of Peerage or of Parliament, or privilege from arrest, or otherwise, and also to one or more of several persons against whom a joint right of action may exist; and every word importing the singular number only, shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the masculine gender only, shall extend and be applied to a female as well as a male. 15 20

13.  
Commence-  
ment of this  
Act.

And be it Enacted, That this Act shall commence and take effect on the First day of September now next ensuing. 25

14.  
Act may be  
amended this  
Session.

And be it Enacted, That this Act may be amended, altered or repealed during this present Session of Parliament.

SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

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Signed E. F. [designated of person making the service.]

\_\_\_\_\_

**Sworn before me**                      **at**                      **this**  
                        **day of**

*Court of Session (Scotland)  
Process.*

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A

B I L L,

INTITLED,

AN ACT to authorize, in certain Cases,  
Summons to be raised and served, and  
Action to be proceeded with, against Persons  
resident out of the Jurisdiction of the  
Supreme Civil Court in Scotland.

(*Brought from the Lords, 8 April 1845.*)

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*Ordered, by The House of Commons, to be Printed,  
30 April 1845.*

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264.

*Under 1 oz.*



A

# B I L L,

INTITULED,

AN ACT to authorize, in certain Cases, the Service of Process issuing out of Her Majesty's Courts of Common Law at Westminster, on Persons resident out of the Jurisdiction of the said Courts.

**W**H ~~HEREAS~~ there are by law no means of recovering Judgment against any person resident out of the Jurisdiction of Her Majesty's Superior Courts of Common Law at Westminster, except by proceeding to outlawry against such person, or except by  
5 Writ of Distringas to compel an appearance :

Preamble.

And whereas the said means of recovering Judgment are unnecessarily tedious and expensive ; and it is expedient to simplify and improve the same ;

~~BE it therefore Enacted~~, by The QUEEN's most Excellent MA-  
10 JESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT where any person against whom any right of action shall exist shall be resident out of the Jurisdiction of the said Courts, whether within the Dominions of Her  
15 Majesty, Her heirs and successors, or otherwise, in case it shall be made to appear by affidavit to the satisfaction of the Court out of which any Writ of Summons against such person is proposed to be issued, or to any Judge of the said Court, that the cause of action in respect of which the said Writ is about to issue hath arisen  
20 within the jurisdiction of such Court, and that such person was domiciled in England when such cause of action arose, and that such person is a subject of Her Majesty, Her heirs or successors, and has been for Six calendar Months at the least next before the making

1.  
Court or Judge to have power to direct service of process on persons resident out of the Jurisdiction of the Courts.

of such affidavit resident out of the jurisdiction of the said Court, and also in what place or country such person is resident or may probably be found, then and in any such case it shall be lawful for the said Court or Judge (if the said Court or Judge shall think fit so to do) to order and allow that service of the said Writ of Summons may be effected upon such person at such place or within such limits as to the said Court or Judge shall seem fit, notwithstanding that such place or such limits may be out of the jurisdiction of the said Court. 5

2.  
Court, &c. to  
order within  
what period  
Defendant  
shall appear  
and plead, &c.

And be it Enacted, That the said Court or Judge shall, in and by any order to be made as hereinbefore directed, specify and direct for what period the said Writ of Summons shall remain and be in force, and within what period from the time of the service of the said Writ upon the Defendant the Defendant shall be bound to appear to the said Writ, and in the event of the Defendant not appearing to the said Writ, and of the Plaintiff appearing for the Defendant, in manner hereinafter mentioned, within what time from the filing by the Plaintiff of the declaration in the said action, as hereinafter also mentioned, the Defendant shall be bound to plead to the said action. 10 15

3.  
Form of Writ  
of Summons.

2 & 3 Will. 4,  
c. 39.

Proviso as to  
duration of  
Writ.

And be it Enacted, That the Writ of Summons in the said action shall be in the form prescribed by a Statute made and passed in the second year of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for Uniformity of Process in personal Actions in His Majesty's Courts of Law at Westminster," and shall contain and have indorsed upon it the several memoranda and indorsements which by the said recited Act or by any other Act, or by the practice of the said Superior Courts of Law, are now or shall hereafter be required to be inserted in or indorsed upon any Writ of Summons issued under the provisions of the said recited Act, save and except that in lieu of the words "Eight Days" in the body of the said Writ shall be inserted such time as to the said Court or Judge shall seem fit, and that in lieu of the words "Four calendar Months" in the memorandum subscribed to the said Writ shall be inserted such time as to the said Court or Judge shall seem fit: Provided always, That such Writ shall remain in force for such time as the said Court or Judge shall in manner hereinbefore mentioned direct, any law or practice to the contrary thereof in anywise notwithstanding: Provided also, That if any Defendant named in such Writ of Summons shall not have been served therewith, it shall and may be lawful for the said Court or Judge, upon application ex parte by or on behalf of the Plaintiff or Plaintiffs in such action, to order (if the said Court or Judge shall think fit so to do) that such Writ be continued by Alias and Pluries, as the case may require: Provided further, That no such Writ shall be continued by Alias or Pluries except by such leave as aforesaid. 20 25 30 35 40

Provided

Provided always, and be it Enacted, That where any person or persons, being resident out of the jurisdiction of the said Courts, shall be sued under the provisions of this Act jointly with any other person or persons who shall be resident within such jurisdiction, it shall and

5 may be lawful for the Plaintiff or Plaintiffs in such action to sue out against the person or persons being so resident within the jurisdiction of the said Courts a Writ of Summons in the form now in use, which last-mentioned Writ shall be tested on the same day as any Writ of Summons to be issued under the provisions of this Act, as herein-

10 before mentioned, and shall contain the name or names of such person or persons only as shall be resident within the jurisdiction of the said Courts: Provided always, That in every such case there shall be subscribed to any such last-mentioned Writ of Summons, and also to any Writ of Summons issued under the provisions of this Act

15 against any Defendant resident out of the jurisdiction of the said Courts, a memorandum in the form contained in the Schedule to this Act annexed, marked No. 1: Provided also, That all subsequent proceedings against the parties so resident within the jurisdiction of the said Courts shall be the same to all intents and purposes as if the

20 person so residing out of the said jurisdiction were resident within the same: Provided also, That it shall and may be lawful for the Court out of which the said Writ shall issue, or for any Judge thereof, upon the application of the Plaintiff or Plaintiffs in such action, to enlarge the time within which the Plaintiff or Plaintiffs shall be by law

25 bound to declare or take any other step or proceeding in the said action against the said Defendant or Defendants resident within the jurisdiction of the said Court, if the said Court or Judge shall think the same reasonable, by reason of one or more of the Defendants in such action being resident out of the said jurisdiction.

4.  
 Proviso for cases in which a Co-defendant shall be resident within the Jurisdiction.

30 And be it Enacted, That where service of any Writ or Summons shall be effected under the powers contained in this Act, the Plaintiff or Plaintiffs in such action shall at the time of the service of the said Writ leave or cause to be left with the Defendant in person so resident out of the said jurisdiction as aforesaid a true and correct

35 copy of the said order of the said Court or Judge for the issuing of the said original Writ of Summons so to be made as hereinbefore mentioned, and also if such Writ shall be an Alias or Pluries Writ, a true and correct copy of the order of the Court or Judge authorizing the issuing of the said Alias or Pluries Writ, and also a notice in

40 writing, signed by the Plaintiff or Plaintiffs in such action, or by any one or more of them, or by his or their attorney in the said action, which said notice shall set forth the cause of action, and a full and correct particular of the demand of the Plaintiff or Plaintiffs in the said action in respect of which the said Plaintiff or Plaintiffs is or are proceeding, and shall notify to the Defendant that in the event of

262. the

5.  
 Plaintiff, on serving Writ, to serve Copy of Judge's Order and Notice of Action.

the Defendant failing or neglecting to appear within the time so to be specified in the said order as aforesaid, the Plaintiff or Plaintiffs in such action will apply to the said Court or some Judge thereof for leave to enter an appearance for the Defendant, according to the provisions of this Act, and will proceed to enter the appearance accordingly, 5 and to file a declaration against him in respect of the said cause of action specified in the said notice, and that in the event of the Defendant failing or neglecting to plead to the said declaration within the time so to be specified in the said order as aforesaid, the Plaintiff or Plaintiffs will apply to the said Court or some Judge thereof for 10 leave to sign judgment against the said Defendant in such action by default, and which notice shall also notify to the said Defendant that in case such judgment shall be signed, the same will be executed against the lands, goods and property of the said Defendant; and upon such service of such Writ of Summons, order or orders (as the 15 case may be), and notice, as hereinbefore mentioned, the service of the said Writ of Summons shall (subject to the provisions hereinafter contained) be as valid and effectual to all intents and purposes as if the same had been effected within the jurisdiction of the said Courts.

Service  
abroad to be  
as effectual as  
if made  
within the  
Jurisdiction.

## 6.

Court or  
Judge to have  
power to  
authorize  
Plaintiff to  
appear for  
Defendant in  
certain cases.

And be it Enacted, That if any Defendant who shall be resident 20 out of the said jurisdiction as aforesaid, and shall have been served with a Writ of Summons in manner hereinbefore mentioned, shall not, within the time specified in any such order as aforesaid, appear to the said action, it shall and may be lawful for the Plaintiff or Plaintiffs in such action to apply ex parte to the Court out of which the Writ 25 of Summons in the said action shall have issued, or to any Judge of such Court, for an order to authorize the said Plaintiff or Plaintiffs to enter an appearance for such Defendant to such action; and if it shall appear to the satisfaction of the said Court or Judge, by affidavit (such affidavit to be at the time of entering the appearance hereinafter 30 mentioned filed with the officer of the said Court with whom affidavits of service of process are now filed under the provisions of the said recited Act made and passed in the second year of the reign of his late Majesty King WILLIAM the Fourth), that the provisions hereinbefore contained have been duly complied with, then it shall and may 35 be lawful for the said Court or Judge, if such Court or Judge shall think fit so to do, to order that the Plaintiff or Plaintiffs in the said action be at liberty, either forthwith or at the expiration of such further time as may be named by the said Court or Judge, to enter an appearance to the said action for such Defendant, and thereupon it shall and 40 may be lawful for the said Plaintiff or Plaintiffs to enter an appearance for such Defendant to the said action pursuant to such last-mentioned order, and such appearance shall be as valid and effectual to all purposes whatsoever as if the same had been entered by the Defendant.

And

And be it Enacted, That the mode of appearance to every Writ served under the provisions of this Act on a person resident out of the said jurisdiction shall be the same as if the said Writ had been served within the jurisdiction of the said Court (except as herein otherwise provided) : Provided always, That whenever the Plaintiff or Plaintiffs in any action shall appear for the Defendant, pursuant to the provisions of this Act, the memorandum of such appearance shall be in the form contained in the Schedule to this Act annexed, marked No. 2.

7.  
Form of  
Appearance.

And be it Enacted, That any affidavit of service to be hereafter made in pursuance of the provisions of this Act shall and may be made only by a subject of our Lady The Queen, or by a Notary Public, and shall and may be made before any person before whom affidavits of service may now by law be made, or before any Governor, Lieutenant-Governor, Ambassador, Envoy, Minister, Secretary of Embassy or Legation, Consul General or Consul appointed by Her Majesty, Her heirs and successors, or his or their respective deputy or deputies, who may be resident within or nearest to the country, place or limits at or within which any such Writ may be served as aforesaid ; and every such Governor, Lieutenant-Governor, Ambassador, Envoy, Minister, Secretary of Embassy or Legation, Consul General or Consul, or his or their respective deputy or deputies, is and are hereby authorized and required to administer the oath to any person or persons desirous of making such affidavit, and to subscribe and take such affidavit accordingly.

8.  
Affidavits  
may be made  
before any  
Governor, &c.  
where De-  
fendant is  
resident.

Provided always, and be it Enacted, That every such oath and affidavit so to be made as aforesaid shall be as valid and effectual to all intents and purposes as if the same had been respectively administered and made before any of Her Majesty's Justices, or before any other legal and competent authority whatsoever ; and every person who shall wilfully make or take a false oath or affidavit under the provisions of this Act may be prosecuted for such offence before the Court of Queen's Bench or the Central Criminal Court in England, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

9-  
Party taking  
false Oath to  
be guilty of  
Perjury.

And be it Enacted, That it shall and may be lawful for any Plaintiff or Plaintiffs who shall have entered an appearance to such action for any Defendant so resident out of the said jurisdiction as aforesaid forthwith to file at the office of the Master of the Court in which the said action shall be brought a declaration in such action, in like manner as a declaration may now be filed in cases where the Plaintiff appears for the Defendant according to any statute or practice now in force ;

10.  
Plaintiff, after  
appearing for  
Defendant, to  
be at liberty  
to file Decla-  
ration, and  
proceed in  
Action.

and if any Defendant who shall be so resident out of the said jurisdiction as aforesaid, and shall have been served with a Writ of Summons in manner hereinbefore mentioned, shall not within the time specified by any such order and notice as aforesaid plead to the said action, then and in such case it shall and may be lawful for the Plaintiff or 5 Plaintiffs in such action to apply ex parte to the Court in which such action shall be brought, or to any Judge thereof, for an order authorizing the said Plaintiff or Plaintiffs to sign judgment therein for want of a plea ; and, upon such application it shall be lawful for such Court or Judge (if such Court or Judge shall think fit so to do), upon being 10 satisfied by affidavit that a declaration in the said action has been duly filed according to the provisions hereinbefore contained, and that the said Defendant has not pleaded thereto, to order that the said Plaintiff or Plaintiffs be at liberty, either forthwith or at the expiration of such further time as may be fixed by such Court or Judge, to sign judgment in 15 the said action ; and upon such order being made, the said Plaintiff or Plaintiffs shall be at liberty, pursuant to the terms of such order, to sign judgment in such action as for want of a plea, although no notice of filing the said declaration, rule to plead, or demand of a plea, may have have been given or may have been served upon the said Defendant 20 (save and except the said notice to be served on the Defendant at the time of the service of the said Writ of Summons in manner hereinbefore mentioned) ; and thereupon it shall and may be lawful for the Plaintiff or Plaintiffs in such action to proceed to final judgment and execution in the said action, without giving any further notice to 25 such Defendant, any statute or usage to the contrary thereof in anywise notwithstanding : Provided always, That it shall and may be lawful for the Court in which any such action shall be brought, or for any Judge thereof, upon the application of the Defendant in any such action, to enlarge the time for pleading to the same, in like manner and upon 30 such terms as are now usual in any action brought in any of the said superior courts : Provided also, That in case such Defendant shall not within such enlarged time as aforesaid plead to the said action, then the Plaintiff or Plaintiffs in such action shall and may proceed according to the provisions of this Act as if the time for pleading had 35 not been enlarged.

Proviso that Court or Judge may give further time to plead.

11.  
Defendant to appear and plead by Attorney, or if in person, to state where Pleadings and Notices may be served upon him.

And be it Enacted, That any Defendant who shall be resident out of the said jurisdiction, and shall have been served with a Writ of Summons under the provisions of this Act, and shall be desirous of appearing or pleading to the said action, shall appear and plead thereto 40 by attorney, or if he shall appear or plead thereto in person, such Defendant shall, in his appearance or at the foot of his plea, state in writing some house or place within the jurisdiction of the said Courts at which pleadings, notices, and other proceedings in the said action shall thereafter be served and delivered, and in such case service and delivery

delivery thereof at such house or place shall be valid and effectual to all intents and purposes whatsoever: Provided always, That any appearance or plea which shall not be in compliance with the provisions hereinbefore contained shall be null and void to all intents and purposes whatsoever: Provided also, That if any such Defendant shall in manner hereinbefore directed duly appear to the said Writ, or after an appearance has been entered for him according to the provisions of this Act plead to the said action, then and in either of the said cases the remaining proceedings in the said action against such Defendant shall be conducted and carried on in the same manner as if the said Defendant were resident within the jurisdiction of the said Courts, and more than Twenty Miles from London.

If Defendant appear or plead, future proceedings to be as if Defendant lived in England, and more than Twenty Miles from London.

Provided always, and be it Enacted, That in all cases in which a Defendant who is resident out of the jurisdiction of the said Courts, who has been duly served under the provisions of this Act, shall not have appeared to the said action, and judgment shall have been duly signed against such Defendant by default, it shall and may be lawful for such Defendant to apply to the said Court in which such action shall be brought, or any Judge thereof, at any time within One Year from the day of signing final judgment; and if upon such application it shall be made to appear to the satisfaction of such Court or Judge, by affidavit, that such Defendant had a good defence to the said action on the merits, then it shall and may be lawful for the said Court or Judge, if such Court or Judge shall think fit so to do, to order that, so far as regards such Defendant, but not further or otherwise, the said judgment, and also any execution which may have issued thereon, shall be set aside, and any lands, goods, or property which may have been seized thereunder restored to the said Defendant; and that the said Defendant be at liberty to defend the said action upon such terms as to the said Court or Judge shall seem proper.

12. Where Defendant has not appeared, Court to have power within One Year to set aside Judgment, and allow Defendant to defend the Action.

Provided always, That nothing in this Act contained shall extend or be deemed or construed to extend to repeal or in anywise interfere with the provisions of an Act made and passed in the fourth year of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for the further Amendment of the Law, and the better Advancement of Justice."

13. Act not to repeal 3 & 4 Will. 4, c. 42, s. 8.

Provided always, and be it Enacted, That all and every the powers and authorities given and granted to any Judge of Her Majesty's superior Courts of Common Law at Westminster in and by a certain Act made and passed in the first year of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for the more effectual Administration of Justice in England and Wales," and also in and by a certain other Act made and passed in the second year of the reign

14. Provisions of 11 Geo. 4, and 1 Will. 4, c. 70, s. 4, and of 1 & 2 Vict. c. 45, s. 1, to extend to this Act.

of Her present Majesty, intituled, " An Act to extend the Jurisdiction of the Judges of the Superior Courts of Common Law to amend Chapter Fifty-six of the First Year of Her present Majesty's Reign, for regulating the Admission of Attornies, and to provide for the taking of Special Bail in the Absence of the Judges," shall be deemed and taken to extend and be applicable to the provisions of this Act. 5

15.  
Interpreta-  
tion Clause.

And be it Enacted, That in the construction of this Act the several words and expressions hereinafter mentioned shall (except where the nature of the provision or the context of the Act shall exclude such interpretation) be respectively interpreted as follows ; (that is to say), 10  
the words " Defendant" and " Person" shall respectively extend to all persons, whether having privilege of Peerage or of Parliament, or privilege from arrest or otherwise, and also to one or more of several persons against whom a joint right of action may exist ; and every word importing the singular number only shall extend and be applied 15  
to several persons or things as well as to one person or thing ; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

16.  
Commence-  
ment of Act.

And be it Enacted, That this Act shall commence and take effect on the First day of September now next ensuing. 20

17.  
Act may be  
amended this  
Session.

And be it Enacted, That this Act may be amended, altered or repealed during this present Session of Parliament.

**SCHEDULE**

N.B.—You are sued in this Action jointly with A. B. of  
[here insert the Place of Residence or supposed Residence of the Co-defendant, or wherein  
the Co-defendant shall be or shall be supposed to be.]

**FORM of entering an APPEARANCE for the Defendant by the Plaintiff.**

A. B., Plaintiff, against C. D., Defendant,  
or  
against C. D. and another,  
Defendants,  
or  
against C. D. and others,  
Defendants. } E. F., Attorney for the Plaintiff, appears  
for the Defendant C. D., according to  
the Form of the Statute, by virtue of  
an Order of Mr. Justice [or,  
as the case may be], bearing date the  
day of / 184  
[Insert date of Order authorizing Plain-  
tiff to appear before Defendant.]

Entered the                      day of                      184

*Courts of Common Law  
Process.*

---

A

B I L L,

INTITULÉD,

AN ACT to authorize, in certain Cases, the Service of Process issuing out of Her Majesty's Courts of Common Law at Westminster on Persons resident out of the Jurisdiction of the said Courts.

(*Brought from the Lords, 8 April 1845.*)

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*Ordered by The House of Commons, to be Printed,  
30 April 1845.*

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262.

*Under 2 oz.*



(Ireland.)

A

# B I L L,

INTITULED,

AN ACT to authorize, in certain Cases, the Service of Process issuing out of Her Majesty's Courts of Common Law in Ireland on Persons resident out of the Jurisdiction of the said Courts.

- W**H~~EREAS~~ the means of recovering Judgment against any person resident out of the Jurisdiction of Her Majesty's Superior Courts of Common Law in Ireland are tedious, expensive, and in most cases impossible; and it is expedient to simplify and improve the same; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT where any person against whom any right of action shall exist shall be resident out of the jurisdiction of the said Courts, whether within the Dominions of Her Majesty, Her heirs and successors, or otherwise, in case it shall be made to appear by affidavit to the satisfaction of the Court out of which any process against such person is proposed to be issued, or to any Judge of the said Court, that the cause of action in respect of which the said process is about to issue hath arisen within Ireland, and that such person was domiciled in Ireland when such cause of action arose, and that such person is a subject of the United Kingdom of Great Britain and Ireland, and has been for Six calendar Months at the least next before the making of such affidavit resident out of the jurisdiction of the said Court, and also in what place or country such person is resident or may probably be found, then and in any such case it shall be lawful for the said Court or Judge (if the said Court or Judge shall think fit so to do) to order
- 263.

Preamble.

1.  
Court or Judge to have power to direct Service of Process on Persons resident out of the Jurisdiction of the Courts.

A

and

and allow that service of the said process may be effected upon such person at such place or within such limits as to the said Court or Judge shall seem fit, notwithstanding that such place or such limits may be out of the jurisdiction of the said Court.

2.  
Court, &c. to  
order within  
what period  
Defendant  
shall appear  
and plead, &c.

And be it Enacted, That the said Court or Judge shall, in and by any order to be made as hereinbefore directed, specify and direct for what period the said process shall remain and be in force, and within what period from the time of the service of the said process upon the Defendant, the Defendant shall be bound to appear to the said process; and in the event of the Defendant not appearing to the said process, and of the Plaintiff appearing for the Defendant, in manner hereinafter mentioned, within what time from the filing by the Plaintiff of the declaration in the said action, as hereinafter also mentioned, the Defendant shall be bound to plead to the said action.

3.  
Form of Pro-  
cess and Me-  
morandum.

And be it Enacted, That the process in the said action, whether the action be brought by or against any person entitled to the privilege of Peerage or Parliament, or of the Court wherein such action shall be brought, or of any other Court, or to any other privilege, or by or against any other person, shall be according to the Form contained in the Schedule to this Act annexed, marked (No. 1.), and shall be called a Writ of Summons, and shall contain and have endorsed upon it the memorandum in said Schedule specified; and in every such Writ and copy thereof the place of residence or the supposed place of residence of the party Defendant, and the place of his former residence in Ireland, if formerly resident in Ireland, shall be stated; and such Writ shall be issued and signed by the proper officer of the said Court; and every such Writ shall be served in such manner as is now necessary for service of Writ of Capias ad respondendum in Ireland, or in such other mode as said Court may by their order direct.

4.  
Time of Ap-  
pearance of  
Defendant to  
be inserted in  
Process and  
Memoran-  
dum.

Proviso as to  
Duration of  
Writ.

And be it Enacted, That in the body of the said process shall be inserted such time as to the said Court or Judge shall seem fit for the appearance of the Defendant, and in the memorandum endorsed on the said process shall be inserted such time as to the said Court or Judge shall seem fit; and such process shall remain in force for such time only as the said Court or Judge shall in manner hereinbefore mentioned direct, any law or practice to the contrary thereof in anywise notwithstanding: Provided also, That if any Defendant named in such process shall not have been served therewith, it shall and may be lawful for the said Court or Judge, upon application ex parte by or on behalf of the Plaintiff or Plaintiffs in such action, to order (if the said Court or Judge shall think fit so to do) that such process be continued

continued by Alias and Pluries, as the case may require: Provided further, That no such process shall be continued by Alias or Pluries, except by such leave as aforesaid.

5        Provided always, and be it Enacted, That where any person or persons, being resident out of the Jurisdiction of the said Courts, shall be  
 10        sued under the provisions of this Act jointly with any other person or persons who shall be resident within such jurisdiction, it shall and may be lawful for the Plaintiff or Plaintiffs in such action to sue out  
 15        against the person or persons being so resident within the Jurisdiction of the said Courts a Writ of Capias ad respondendum in the form now in use, which last-mentioned writ shall be tested on the same day as any Writ of Summons to be issued under the provisions of this Act, as hereinbefore mentioned, and shall contain the name or names of such person or persons only as shall be resident within the Jurisdiction  
 20        of the said Courts: Provided always, That in every such case there shall be subscribed to any such last-mentioned Writ of Capias ad respondendum, and also to any Writ of Summons issued under the provisions of this Act against any Defendant resident out of the Jurisdiction of the said Courts, a memorandum in the form contained in the Schedule to this Act annexed, marked (No. 2.): Provided also, That all subsequent proceedings against the parties so resident within the jurisdiction of the said Courts shall be the same to all intents and purposes as if the person so residing out of the said jurisdiction were resident within the same: Provided also, That it shall and may be  
 25        lawful for the Court out of which the said Writ shall issue, or for any Judge thereof, upon the application of the Plaintiff or Plaintiffs in such action, to enlarge the time within which the Plaintiff or Plaintiffs shall be by law bound to declare or take any other step or proceeding in the said action against the said Defendant or Defendants resident within  
 30        the jurisdiction of the said Court, if the said Court or Judge shall think the same reasonable by reason of one or more of the Defendants in such action being resident out of the said jurisdiction.

5.  
 Proviso for cases in which a Co-defendant shall be resident within the Jurisdiction.

And be it Enacted, That where service of any process shall be effected under the powers contained in this Act, the Plaintiff or Plaintiffs in such action shall, at the time of the service of the said process, leave or cause to be left with the Defendant in person, or as the said Court may direct, as aforesaid, so resident out of the said jurisdiction, as aforesaid, a true and correct copy of the said order of the said Court or Judge for the issuing of the said original process so  
 35        to be made as hereinbefore mentioned, and also if such process shall be an Alias or Pluries Writ, a true and correct copy of the order of the Court or Judge authorizing the issuing of the said Alias or Pluries Writ, and also a notice in writing, signed by the Plaintiff or Plaintiffs  
 40        in

6.  
 Plaintiff, on serving Process, to serve Copy of Judge's Order and Notice of Action.

in such action, or by any one or more of them, or by his or their Attorney in the said action, which said notice shall set forth the cause of action in respect of which the said Plaintiff or Plaintiffs is or are proceeding, and a full and correct particular of the demand of the Plaintiff or Plaintiffs in the said action in respect of which the said Plaintiff or Plaintiffs is or are proceeding, and shall notify to the Defendant that in the event of the Defendant failing or neglecting to appear within the time so to be specified in the said order as aforesaid, the Plaintiff or Plaintiffs in such action will apply to the said Court or some Judge thereof for leave to enter an appearance for the Defendant, according to the provisions of this Act, and to file a declaration against him in respect of the said cause of action specified in the said notice, and that in the event of the Defendant failing or neglecting to plead to the said declaration within the time so to be specified in the said order as aforesaid, the Plaintiff or Plaintiffs will apply to the said Court, or some Judge thereof, for leave to sign judgment against the said Defendant in such action by default, and which notice shall also notify to the said Defendant that in case such judgment shall be signed, the same will be executed against the lands, goods and property of the said Defendant; and upon such service of such process, order or orders (as the case may be), and notice, as hereinbefore mentioned, the service of the said process shall (subject to the provisions hereinafter contained) be as valid and effectual to all intents and purposes as if the same had been effected within the jurisdiction of the said Courts.

Service  
abroad to be  
as effectual as  
if made  
within the  
Jurisdiction.

7.  
Court or  
Judge to have  
power to au-  
thorize Plain-  
tiff to appear  
for Defendant  
in certain  
cases.

And be it Enacted, That if any Defendant who shall be resident out of the said jurisdiction as aforesaid, and shall have been served with a process in manner hereinbefore mentioned, shall not, within the time specified in any such order as aforesaid, appear to the said action, it shall and may be lawful for the Plaintiff or Plaintiffs in such action to apply ex parte to the Court out of which the process in the said action shall have issued, or to any Judge of such Court, for an order to authorize the said Plaintiff or Plaintiffs to enter an appearance for such Defendant to such action; and if it shall appear to the satisfaction of the said Court or Judge, by affidavit, that the provisions hereinbefore contained have been duly complied with, then it shall and may be lawful for the said Court or Judge, if such Court or Judge shall think fit so to do, to order that the Plaintiff or Plaintiffs in the said action be at liberty, either forthwith or at the expiration of such further time as may be named by the said Court or Judge, to enter an appearance to the said action for such Defendant; and thereupon it shall and may be lawful for the said Plaintiff or Plaintiffs to enter an appearance for such Defendant to the said action, pursuant to such last-mentioned order, and such appearance shall be as valid and effectual to all purposes whatsoever as if the same had been entered by the Defendant.

And

And be it Enacted, That the mode of appearance to any process served under the provisions of this Act on a person resident out of the said jurisdiction shall be the same as if the said process had been served within the jurisdiction of the said Court (except as herein otherwise provided): Provided always, That whenever the Plaintiff or Plaintiffs in any action shall appear for the Defendant, pursuant to the provisions of this Act, the memorandum of such appearance shall be in the form contained in the Schedule to this Act annexed, marked (No. 3.)

8.  
Form of Ap-  
pearance.

And be it Enacted, That any affidavit of service to be hereafter made in pursuance of the provisions of this Act shall and may be made only by a subject of our Lady The Queen, or by a Notary Public, and shall and may be made before any person before whom affidavits of service may now by law be made, or before any Governor, Lieutenant-governor, Ambassador, Envoy, Minister, Secretary of Embassy or Legation, Consul General, or Consul appointed by Her Majesty, Her heirs and successors, or his or their respective deputy or deputies, who may be resident within or nearest to the country, place or limits at or within which any such process may be served as aforesaid; and every such Governor, Lieutenant-governor, Ambassador, Envoy, Minister, Secretary of Embassy or Legation, Consul General or Consul, or his or their respective deputy or deputies, is and are hereby authorized and required to administer the oath to any person or persons desirous of making such affidavit, and to subscribe and take such affidavit accordingly.

9.  
Affidavits  
may be made  
before any  
Governor, &c.  
where De-  
fendant is re-  
sident.

Provided always, and be it Enacted, That every such oath and affidavit so to be made as aforesaid shall be as valid and effectual to all intents and purposes as if the same had been respectively administered and made before any of Her Majesty's Justices, or before any other legal and competent authority whatsoever; and every person who shall wilfully make or take a false oath or affidavit under the provisions of this Act, being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

10.  
Party taking  
false Oath to  
be guilty of  
Perjury.

And be it Enacted, That it shall and may be lawful for any Plaintiff or Plaintiffs who shall have entered an appearance to such action for any Defendant so resident out of the said jurisdiction as aforesaid, forthwith to file a declaration in such action, in like manner as a declaration may now be filed in cases where the Plaintiff appears for the Defendant according to any Statute or practice now in force; and if any Defendant who shall be so resident out of the said jurisdiction as aforesaid, and shall have been served with process in manner herein-

11.  
Plaintiff, after  
appearing for  
Defendant, to  
be at liberty  
to file Decla-  
ration, and  
proceed in  
Action.

before mentioned, shall not within the time specified by any such order and notice as aforesaid plead to the said action, then and in such case it shall and may be lawful for the Plaintiff or Plaintiffs in such action to apply ex parte to the Court in which such action shall be brought, or to any Judge thereof, for an order authorizing the said Plaintiff or Plaintiffs to sign judgment therein as for want of a plea; and upon such application it shall be lawful for such Court or Judge (if such Court or Judge shall think fit so to do), upon being satisfied by an affidavit that a declaration in the said action has been duly filed according to the provisions hereinbefore contained, and that the said Defendant has not pleaded thereto, to order that the said Plaintiff or Plaintiffs be at liberty, either forthwith or at the expiration of such further time as may be fixed by such Court or Judge, to sign judgment in the said action; and upon such order being made, the said Plaintiff or Plaintiffs shall be at liberty, pursuant to the terms of such order, to sign judgment in such action as for want of a plea; and thereupon it shall and may be lawful for the Plaintiff or Plaintiffs in such action to proceed to final judgment and execution in the said action, without giving any further notice to such Defendant, any Statute or usage to the contrary thereof in anywise notwithstanding: Provided always, That it shall and may be lawful for the Court in which any such action shall be brought, or for any Judge thereof, upon the application of the Defendant in any such action, to enlarge the time for pleading to the same, in like manner and upon such terms as are now usual in any action brought in any of the said Superior Courts: Provided also, That in case such Defendant shall not within such enlarged time as aforesaid plead to the said action, then the Plaintiff or Plaintiffs in such action shall and may proceed according to the provisions of this Act, as if the time for pleading had not been enlarged.

Proviso that Court or Judge may give further time to plead.

12.

Defendant to appear and plead by Attorney, or if in person to state where Pleadings and Notices may be served upon him.

And be it Enacted, That any Defendant who shall be resident out of the said jurisdiction, and shall have been served with process under the provisions of this Act, and shall be desirous of appearing or pleading to the said action, shall appear and plead thereto by attorney, or if he shall appear or plead thereto in person, such Defendant shall, in his appearance or at the foot of his plea, state in writing some house or place within the jurisdiction of the said Courts, at which pleadings, notices and other proceedings in the said action shall thereafter be served and delivered, and in such case service and delivery thereof at such house or place shall be valid and effectual to all intents and purposes whatsoever: Provided always, That any appearance or plea which shall not be in compliance with the provisions hereinbefore contained shall be null and void to all intents and purposes whatsoever: Provided also, That if any such Defendant shall in manner hereinbefore directed duly appear to the said process, or after an appearance has been entered for him according to the provisions of this

If Defendant appear or plead, future Proceedings to be as if

this Act plead to the said action, then and in either of the said cases the remaining proceedings in the said action against such Defendant shall be conducted and carried on in the same manner as if the said Defendant were resident within the jurisdiction of the said Courts.

Defendant  
lived in Ire-  
land.

- 5 Provided always, and be it Enacted, That in all cases in which a Defendant who is resident out of the jurisdiction of the said Courts, who has been duly served under the provisions of this Act, shall not have appeared to the said action, and judgment shall have been signed against such Defendant by default, it shall and may be lawful for such
- 10 Defendant to apply to the said Court in which such action shall be brought, or to any Judge thereof, at any time within One Year from the day of signing final judgment; and if upon such application it shall be made to appear to the satisfaction of such Court or Judge, by affidavit, that such Defendant had a good defence to the
- 15 said action on the merits, then it shall and may be lawful for the said Court or Judge, if such Court or Judge shall think fit so to do, to order that, so far as regards such Defendant, but not further or otherwise, the said judgment, and also any execution which may have issued thereon, shall be set aside, and any lands, goods or
- 20 property which may have been seized thereunder restored to the said Defendant, and that the said Defendant be at liberty to defend the said action upon such terms as to the said Court or Judge shall seem proper.

13.  
Where De-  
fendant has  
not appeared,  
Court to have  
power within  
One Year to  
set aside  
Judgment,  
and allow  
Defendant  
to defend the  
Action.

- 25 Provided always, That nothing in this Act contained shall extend or be deemed or construed to extend to repeal or in anywise interfere with the provisions of an Act made and passed in the third and fourth year of the reign of Her present Majesty, intituled, "An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain
- 30 Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland."

14.  
Act not to  
repeal 3 & 4  
Vict., c. 105,  
s. 37.

- And be it Enacted, That in the construction of this Act the several words and expressions hereinafter mentioned shall (except where the nature of the provision or the context of the Act shall exclude such
- 35 interpretation) be respectively interpreted as follows; (that is to say), the words "Defendant" and "Person" shall respectively extend to all persons, whether having privilege of Peerage or of Parliament, or privilege from arrest or otherwise, and also to one or more of several persons against whom a joint right of action may exist; and every
- 40 word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and

15.  
Interpreta-  
tion Clause.

every word importing the masculine gender only shall extend and be applied to a female as well as a male.

16.  
Commence-  
ment of Act.

And be it Enacted, That this Act shall commence and take effect on the First day of September now next ensuing.

17.  
Act may be  
amended this  
Session.

And be it Enacted, That this Act may be amended, altered or re-  
pealed during this present Session of Parliament.

5

## SCHEDULE

## SCHEDULE TO WHICH THIS ACT REFERS.

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### No. 1.

VICTORIA, &c.

To C. D. of, &c. [and formerly of \_\_\_\_\_ in the County of \_\_\_\_\_.]  
We command you (as before [or, after] we have commanded you), That within \_\_\_\_\_  
after the service of this Writ on you, inclusive of the day of such service, you do  
cause an Appearance to be entered for you in our Court of \_\_\_\_\_ in an  
Action on Promises [or, as the case may be], at the suit of A. B.; and take notice, that  
in default of your so doing, the said A.B. may cause an Appearance to be entered for you,  
and proceed therein to judgment and execution. Witness, &c.

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### MEMORANDUM to be endorsed on, the WRIT.

This Writ is to be served within \_\_\_\_\_ from the date thereof, including  
the \_\_\_\_\_ day of such date, and not afterwards.

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### No. 2.

MEMORANDUM to be subscribed to a WRIT of SUMMONS where a Defendant  
is sued under the Provisions of this Act jointly with Defendants residing  
within the Jurisdiction.

N.B. You are sued in this Action jointly with A.B., of  
[here insert the Place of Residence or supposed Residence of the Co-defendant, or wherein  
the Co-defendant shall be or shall be supposed to be.]

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### No. 3.

### FORM of entering an APPEARANCE for the DEFENDANT by the PLAINTIFF.

A. B., Plaintiff, against C. D., Defendant, or, against C. D. and another, Defendants, or, against C. D. and others, Defendants.	}	E.F., Attorney for the Plaintiff, appears for the Defendant C.D., according to the Form of the Statute, by virtue of an Order of Mr. Justice [or, as the case may be], bearing date the _____ day of _____ 184 [Insert date of Order authorizing Plaintiff to appear for Defendant.]
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Entered the \_\_\_\_\_ day of \_\_\_\_\_ 184

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*Courts of Common Law Process  
(Ireland).*

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A

**B I L L,**

INTITULED,

AN ACT to authorize, in certain Cases, the Service of Process issuing out of Her Majesty's Courts of Common Law in Ireland on Persons resident out of the Jurisdiction of the said Courts.

*(Brought from the Lords, 8 April 1845.)*

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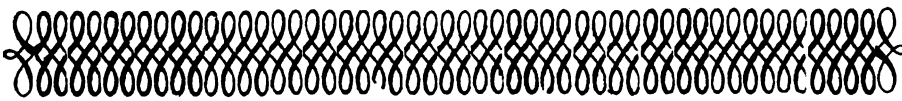
*Ordered, by The House of Commons, to be Printed,  
30 April 1845.*

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263.

*Under 2 ox.*

7 July 1845.—9 VICT.



(Ireland.)

A

# B I L L

For regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in Ireland.

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

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**W**HEREAS by an Act passed in the Session of Parliament holden in the third and fourth years of the reign of Her present Majesty, intituled, “ An Act for the Regulation of Municipal Corporations in Ireland,” it is, among other things, enacted, that it shall be lawful for Her Majesty, if She shall be pleased, upon the petition of the Council of any borough, except the city of Dublin, as therein mentioned, to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record, for the trial of civil actions, shall thenceforward be holden in and for such borough; and it is thereby also enacted, that after the First day of January therein mentioned, the Justices assigned, or hereafter to be assigned, to keep the peace in and for the county in which any borough is situated, to which Her Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the jurisdiction of Justices of the Peace in and for such borough, as fully as by law they and each of them can or ought to do in and for the said county: And whereas Her Majesty has not hitherto granted that any such separate Court of Quarter Sessions of the Peace should be holden in any of the counties of cities or counties of towns in the Schedule to this Act annexed named: And whereas doubts have arisen as to whether the said counties of cities and counties of towns are included in the said last-recited provision

Preamble:

3 & 4 Vict.,  
c. 108, s. 163,

s. 173.

vision of the said recited Act; and it is expedient to provide for the holding of General or Quarter Sessions of the Peace in and for the said counties of cities and counties of towns;

1. **The Criminal Jurisdiction of the Assistant Barristers for the Counties named in the Schedule, extended to the Counties of Cities and Towns therein named, and General Sessions of the Peace to be held for such Counties of Cities and Towns.**

**BE it therefore Declared and Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, and until Her Majesty shall be pleased to grant that a separate Court of General or Quarter Sessions of the Peace shall be holden in and for the said counties of cities or counties of towns respectively as aforesaid, the respective Assistant Barristers for the time being of the counties named in the first column of the Schedule to this Act annexed, shall be Justices of the Peace in and for the respective counties of cities and counties of towns named in the second column of the said Schedule, in conjunction with such counties at large in the said Schedule, and whereof they respectively are or shall be Assistant Barristers; and that the said Assistant Barristers shall have all such and the same powers, privileges and authorities respectively as they have in and for the said counties in the said first column mentioned, and shall and may exercise such jurisdiction, powers and authorities, either alone or together, with the Justices assigned to keep the Peace within the said respective counties of cities and counties of towns; and that a General or Quarter Sessions of the Peace shall be from time to time holden in and for the said respective counties of cities and counties of towns on the day next but one before the commencement of or immediately after the termination of the Sessions of the Peace, or any adjournment thereof, for the division of the said respective counties at large, within which or next adjacent whereto the said counties of cities or counties of towns are situate; and that from and after the passing of this Act such General or Quarter Sessions of the Peace so to be holden respectively in and for the said counties of the cities and counties of towns, and also all adjourned sessions thereof, shall, as to all matters and things arising within such counties of cities and counties of towns respectively, or within *Five hundred Yards* of the boundaries thereof, have, use and exercise all and every the same jurisdictions, powers and authorities as fully and effectually to all intents and purposes as any General Sessions of the Peace holden in and for any county at large can or may have, use or exercise in respect of matters and things arising within such county at large, and also all such further and other jurisdictions, powers or authorities as were by any Act or Acts of Parliament now in force at any time heretofore granted to or vested in the General Sessions of the Peace of the said counties of cities or counties of towns respectively of right holden within the said counties of cities and

and counties of towns respectively, before the passing of the said  
hereinbefore in part recited Act passed in the said third and fourth  
years of the reign of our said Lady the Queen, and the jurors  
returned to serve at each of such General Sessions of the Peace, or  
5 adjournment thereof, for such respective counties of cities and counties  
of towns shall be returned from the body of such county of a city or  
county of a town respectively.

And be it Enacted, That this Act may be amended or repealed by  
any Act to be passed in this present Session of Parliament.

2.  
Act may be  
amended, &c.  
during pre-  
sent Session.

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## SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

COUNTIES.	COUNTIES OF CITIES AND COUNTIES OF TOWNS.
County of Kilkenny.	Kilkenny.
County of Limerick.	Limerick.
County of Waterford.	Waterford.
County of Antrim.	Carrickfergus.
County of Galway.	Galway.

*Criminal Jurisdiction of Assistant  
Barristers.*

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(Ireland.)

A

**B I L L**

For regulating the Criminal Jurisdiction of  
Assistant Barristers as to certain Counties  
of Cities and Counties of Towns in Ireland.

(Prepared and brought in by  
*Mr. Attorney-General for Ireland and Sir  
Thomas Fremantle.*)

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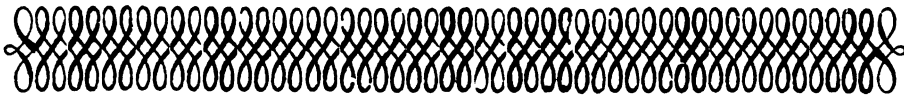
*Ordered, by The House of Commons, to be Printed,  
7 July 1845.*

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456.

*Under 1 oz.*



(Ireland.)

A

# B I L L

For the Establishment of a Central Asylum for Insane Persons charged with Offences in Ireland, and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in Ireland, and for appropriating the Lunatic Asylum in the City of Cork to the Purposes of a District Lunatic Asylum.

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[*Note.*—The Words printed in *Italics* are proposed to be inserted in the Committee.

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**W**H **H**EREA **S** it is expedient that one Central Asylum in or near the City of Dublin should be provided for the custody and care of Criminal Lunatics; **B**E **i**t **E**nacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Commissioners of Public Works in Ireland for the time being shall be Trustees for the purpose of purchasing or providing, as hereinafter mentioned, any buildings, lands, tenements or hereditaments that may be necessary for the said Central Asylum, and the site thereof, and the premises to be occupied therewith, and for erecting thereon suitable buildings, and for repairing, enlarging, improving, upholding and furnishing the same from time to time.

Preamble.

1.  
Commissioners of Public Works to be Trustees for providing Buildings and Lands necessary for the establishment of a Central Asylum for Criminal Lunatics.

And be it Enacted, That for the purposes of this Act the said Commissioners of Public Works in Ireland for the time being, and their successors, shall be a Corporation, by the name or style of "The Commissioners of Public Works in Ireland," and by that name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made and from time to time

2.  
Commissioners of Public Works to be a Corporation for the purposes of this Act.

altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and in that capacity shall be deemed promoters of the Undertaking authorized to be executed by this Act.

3.  
Power to  
Commission-  
ers of Public  
Works to pur-  
chase or rent  
Buildings,  
Lands, &c.  
which may be  
required for  
such Central  
Asylum.

And be it Enacted, That in order to enable the said Commis- 5  
sioners of Public Works in Ireland to purchase and provide the  
buildings, lands, tenements and hereditaments which may be required  
for the said Central Asylum, and the site thereof, it shall be lawful  
for the said Commissioners, with the approval of the Commissioners 10  
of Her Majesty's Treasury, to contract and agree with any person  
or persons, or body or bodies corporate, for the purchase or  
renting of any buildings, lands, tenements or hereditaments re-  
quired for such Central Asylum, or the site thereof, and the premises  
to be occupied therewith, and also for the purchase of any subsisting 15  
leases, terms, estates or interests therein, or charges thereon; and  
the buildings, lands, tenements or hereditaments so contracted and  
agreed for, shall be conveyed, assigned or demised to or in trust for  
Her Majesty, Her heirs and successors, in such manner and form  
as the said Commissioners of Her Majesty's Treasury shall direct.

4.  
Consolidation  
of this Act  
with Lands  
Clauses Con-  
solidation  
Act.

And be it Enacted, That the "Lands Clauses Consolidation Act, 20  
1845," shall be incorporated with this Act, except the clauses with  
respect to the purchase and taking of lands otherwise than by agree-  
ment: Provided always, That all things by the said Act required or  
authorized to be done by the promoters of the Undertaking may be  
done by any *Two* of the Commissioners of Public Works in Ireland, 25  
subject to the approval of the Commissioners of Her Majesty's Treas-  
ury, in the cases provided by this Act.

5.  
Commis-  
sioners of  
Public Works  
to obtain  
Surveys,  
Plans and  
Specifications,  
and submit  
same to the  
Treasury.

And be it Enacted, That it shall be lawful for the said Commis-  
sioners of Public Works, if they shall be so directed by the Commis-  
sioners of Her Majesty's Treasury, to employ the county surveyor, or 30  
any other competent surveyor or architect, to make a survey and  
estimate of the said proposed work, and to prepare such plan,  
section or specification thereof as may be necessary, and send the  
same to the Commissioners of Her Majesty's Treasury for their 35  
approval; and if the said Commissioners of Her Majesty's Treasury  
shall think fit to authorize the work in any such plan, section or spe-  
cification, or any modification thereof which they may think proper  
to be undertaken, they shall, by warrant under their hands, direct  
the said Commissioners of Public Works to execute such work at 40  
and for an amount not exceeding a sum to be specified in such warrant;  
and the said Commissioners of Public Works shall, upon receipt of  
such warrant, forthwith cause the construction of the work mentioned  
therein to be proceeded with.

And

Commissioners of Public Works to lay Accounts before the Commissioners of the Treasury.

And be it Enacted, That the said Commissioners of Public Works shall cause accounts in writing of the several sums received by them as such Commissioners for the purposes of this Act, and the sums expended by them for such purposes, and the mode of such expenditure, to be made up from time to time ; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury the said accounts, made up to such period as the said Commissioners of the Treasury shall direct ; and it shall be lawful for the said Commissioners of Her Majesty's Treasury to give such directions as they shall think proper, defining the duties of the said Commissioners of Public Works in the execution of this Act ; and the said Commissioners of Public Works shall observe all such directions as aforesaid which shall from time to time be signified to them by the said Commissioners of Her Majesty's Treasury.

Proceedings in Actions by and against the Commissioners of Public Works. 1 & 2 Will. 4, c. 33.

And be it Enacted, That the several enactments contained in an Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act for the Extension and Promotion of Public Works in Ireland," which affect or relate to any action or suit to be commenced against the Commissioners for the execution of the last-recited Act, or their secretary, or any person or persons, for any thing done by virtue of or in pursuance of the last-recited Act, or in any proceedings in any such action or suit, or any limitation of time for the commencement thereof, or any costs thereof, or any evidence to be given therein, or any notice of action or suit, or satisfaction or tender thereof, or any action or suit to be commenced by the said Commissioners, or any proceedings therein, or the said Commissioners suing or being sued in the name of their secretary, or any abatement or discontinuance of any such action or suit, or to the court in which or to the terms or conditions on which any such action or suit shall be brought against the said Commissioners, collectively or individually, or their secretary, shall be held to apply to and extend to any action or suit to be commenced against the Commissioners of Public Works in Ireland, or their secretary, or any person or persons for any thing done by virtue of or in pursuance of this Act, or to any proceedings in any such action or suit, or to the limitation of time for the commencing thereof, or to any costs thereof, or to any notice of any such action or suit, or to any evidence to be given therein, or to any action or suit to be commenced by the said Commissioners of Public Work in the execution of this Act, or on account of or in pursuance of this Act, or to any proceedings in any such action or suit, or to the said Commissioners suing or being sued in the name of their secretary for the time being, or to any abatement or discontinuance of any such action or suit, or to the court in which or to the terms or conditions on which any such action or suit shall be brought against the said

Commissioners of Public Works, collectively or individually, or against their secretary.

8.

When Central Asylum established, the Lord Lieutenant empowered to order the removal of Criminal Lunatics to such Asylum. 1 & 2 Geo. 4, c. 33.

AND whereas by an Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in Ireland," it is amongst other things enacted, that it should be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland for the time being, to give such order for the safe custody and care of criminals found insane, as in the said Act mentioned, during the pleasure of the Lord Lieutenant or other chief Governor or Governors of Ireland for the time being, in such place and in such manner as should seem fit; and it is by said Act further provided and enacted, that whenever and as soon as there should be a Lunatic Asylum built or maintained, either wholly or in part, in any county, county of a city, or county of a town, wherein such prisoner as therein mentioned should be tried or found insane as therein mentioned, then and from thenceforth such insane person should, without delay, be removed to such asylum as therein mentioned, and should be kept therein so long as such prisoner should be detained in custody; BE it Enacted, That whenever and as soon as the said Central Asylum shall be erected and fit for the reception of criminal lunatics, it shall be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland to order and direct that all criminal lunatics then in custody in any lunatic asylum or gaol, or who shall thereafter be in custody, shall be removed without delay to such Central Asylum, and shall be kept therein so long as such criminal lunatics respectively shall be detained in custody.

9.

Lord Lieutenant to appoint the Officers and Servants of Central Asylum, and Lord Lieutenant and Council to make Rules and Regulations for the government of said Asylum.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland for the time being, to nominate and appoint such persons as he or they shall think fit and proper to be governor, physician, surgeon, apothecary, matron, keepers, officers and servants of said Central Asylum, and also that it shall and may be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, from time to time to make, frame and establish any rules and regulations which may be necessary or proper for the good conduct and management of the said Central Asylum, and from time to time to revoke, alter or make new such rules and regulations.

10.

Persons not to be committed as dangerous Lunatics, unless upon information upon Oath. 1 Vict., c. 27.

AND whereas by an Act passed in the first year of the reign of Her present Majesty, intituled, "An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in Ireland," it is amongst other things enacted, that if any person should be discovered and apprehended in Ireland under circumstances denoting a derangement

ment of mind and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, it should be lawful for any Two Justices of the Peace of the county, county of a city, county of a town, city or town, and liberties, before whom such person might be brought, to call to their assistance any legally qualified physician, surgeon or apothecary, and if upon view and examination of the said person so apprehended, or from other proof, the said Justices should be satisfied that such person was a dangerous lunatic or a dangerous idiot, it should be lawful for the said Justices, by warrant under their hands and seals, to commit such person to the gaol of such county, county of a town, city or town, and liberties, there to be kept in strict custody until or unless such person should be discharged in manner by the said Act provided; BE it Enacted, That it shall not be lawful for the said Justices to commit such person to gaol, unless information on the oath of one or more credible witness or witnesses shall have been made before the said Justices, stating facts from which it shall appear that such person was discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, and that such person is a dangerous lunatic or a dangerous idiot.

AND whereas by the said Act it is also amongst other things enacted, that it should be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland for the time being, if he or they should so think fit, to direct, by warrant under his or their hand or hands, that any person who might be detained in custody in any gaol, by virtue of any such warrant as aforesaid, should be removed to the Lunatic Asylum established either wholly or in part for the county, county of a city, or county of a town in which such person should be in custody; and every such person so removed should remain under confinement in every asylum to which such person might be removed, until it should be duly certified to the said Lord Lieutenant or other chief Governor or Governors, by Two physicians or surgeons, or a surgeon and physician, that such person had become of sound mind, whereupon the said Lord Lieutenant or other chief Governor or Governors was thereby authorized to issue his or their warrant to the keeper or other person having the care of any such asylum, directing that such person should be discharged; BE it Enacted, That whenever it shall be duly certified to the said Lord Lieutenant or other chief Governor or Governors in manner aforesaid, that any such person has become of sound mind, or has ceased to be or is not a dangerous lunatic or a dangerous idiot, it shall and may be lawful for the said Lord Lieutenant, or other chief Governor or Governors, and he and they is and are hereby authorized to issue his or their warrant to the

11.  
Power to  
Lord Lieu-  
tenant to dis-  
charge a per-  
son commit-  
ted as a dan-  
gerous Luna-  
tic, who is  
duly certified  
to him to  
have become  
of sound mind,  
or to have  
ceased to be  
a dangerous  
Lunatic.  
1 Vict., c. 27.

keeper or other person having the care of any such asylum, directing that such person shall be discharged.

12.  
Lord Lieutenant may direct persons under Sentence of Imprisonment or Transportation, who become insane, to be removed to Central Asylum.  
1 Vict., c. 27.

And be it Enacted, That whenever and as soon as the said Central Asylum shall be erected and fit for the reception of lunatics, it shall be lawful for the said Lord Lieutenant or other chief Governor or 5  
Governors, if he or they shall so think fit to direct, by warrant under his or their hand or hands, that any person who may be under any sentence of imprisonment or transportation, or under any warrant in default of surety to keep the peace, in any gaol or place of confinement, and in respect of whom it shall be certified by Two physicians or 10  
surgeons, or a surgeon and physician, that such person is or has become insane, shall be removed to the said Central Asylum ; and every such person so removed shall remain under confinement in said asylum, so long as such person shall remain subject to be continued in custody, or until t shall be duly certified to the said Lord Lieutenant or other 15  
chief Governor or Governors by Two physicians or surgeons, or a surgeon and physician, that such person has become of sound mind, whereupon the said Lord Lieutenant or other chief Governor or Governors is hereby authorized, if such person shall remain subject to be continued in custody, to issue his or their warrant to the keeper or 20  
other person having the care of any such asylum, directing that such person shall be remitted to the prison or other place of confinement from which he or she shall have been taken.

13.  
The District Lunatic Asylums may receive as many Patients as they can accommodate ; the care and maintenance of whom shall be provided for as heretofore.  
1 & 2 Geo. 4, c. 33.

AND whereas by the said Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty 25  
King GEORGE the Fourth, it is amongst other things enacted, that at any time after the passing of the said Act, it should and might be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland, by and with the advice and consent of his Majesty's Privy Council in Ireland, to direct and order that any number of asylums 30  
for the lunatic poor in Ireland should be erected and established in and for such districts in Ireland, as to the said Lord Lieutenant or other chief Governor or Governors and Privy Council should seem expedient ; and that every such district should and might consist 35  
either of the whole of two or more counties, or of one or more county or counties, and one, or more county or counties of cities or towns, or of one county, or county of a city or county of a town only, and no more, but should not in any case include part only of any county, county of a city or town ; and that all lunatic poor within every such district respectively should be maintained and taken care of in the asylum 40  
belonging to such district ; and that every such asylum established or to be established for any district, consisting of more than one county, or one county of a city or county of a town, should be sufficient to contain

contain such number of lunatic poor, not being less than One hundred, nor more than One hundred and fifty, in any one asylum, as should seem expedient to such Lord Lieutenant or other chief Governor or Governors and Privy Council ; and that where any such

5 district should consist of only one county, or county of a city, or county of a town, and no more, every such asylum should be sufficient to contain such number of lunatic poor, not being less than Fifty, as should seem expedient to such Lord Lieutenant or other chief Governor or Governors and Privy Council: AND whereas the said

10 Act was amended by an Act passed in the seventh year of the reign of his said late Majesty, intituled, " An Act for the further Amendment of an Act of the first and second years of his present Majesty, for the Establishment of Asylums for the Lunatic Poor in Ireland : " 7 Geo. 4, c. 14.

AND whereas several such asylums have been erected and established,

15 and the said asylums are capable of affording accommodation for a larger number of lunatic poor than the number limited by the said two last-recited Acts as the number which it is lawful under the provisions of such Acts to maintain and take care of within any one lunatic asylum : AND whereas by an Act passed in the first year of

20 the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act to amend an Act passed in the eleventh year of the reign of his late Majesty King GEORGE the Fourth, intituled, ' An Act for ' appropriating the Richmond Lunatic Asylum in Dublin for the ' Purposes of a District Lunatic Asylum, ' " the said Richmond Lunatic

25 Asylum was empowered to receive, maintain and take care of, within the said asylum, any number of lunatic poor, for the reception and accommodation of whom the said asylum should or might afford space or capacity : AND whereas it is expedient to remove the limitation as to the number of lunatic poor which other district lunatic asylums

30 now erected and established, or hereafter to be erected and established, may respectively receive, maintain and take care of, and to extend the provisions of the said last-recited Act to the said other district lunatic asylums ; BE it Enacted, That from and after the passing of this Act, any enactment or provision contained in the said

35 recited Act of the Session holden in the first and second years of his late Majesty, or in any other Act or Acts, whereby the number of lunatic poor to be maintained and taken care of in a district lunatic asylum is in any manner limited or restricted, shall be and the same is accordingly hereby repealed ; and that, notwithstanding any thing

40 in the said last-recited Act, or in any other Act or Acts to the contrary, it shall and may be lawful to receive, maintain and take care of, within every such district lunatic asylum, any number of lunatic poor whatsoever, for the reception and accommodation of whom every such asylum shall or may afford space and capacity ; and that the care, maintenance, superintendence and expenditure which shall be or become requisite for or in respect of all such lunatic poor, shall be

302. A 4 defrayed,

defrayed, raised and provided for in all respects as the care, maintenance, superintendence and expenditure requisite for or in respect of such limited number of lunatic poor as before the passing of this Act it was or might have been lawful to maintain and take care of in such lunatic asylum, might or ought to have been defrayed, raised 5 and provided for.

14.  
Lord Lieutenant authorized to make Orders in Council for the enlargement of District Lunatic Asylums.

AND whereas by the said Act passed in the seventh year of the reign of his late Majesty King GEORGE the Fourth, it was amongst other things enacted, that it should and might be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland, by and 10 with the advice and consent of his Majesty's Privy Council in Ireland, from time to time and at all times whenever and so often as should seem expedient to him or them so to do, to direct and order that any asylum or asylums for the lunatic poor in Ireland should be erected and established in any place or in and for any district in Ireland, in 15 lieu of or in addition to any asylum or asylums erected under the authority of the therein and hereinbefore recited Act of the first and second years of King GEORGE the Fourth, and from time to time to alter or change the district or places in or for which any such asylum or asylums shall have been or shall be erected under the authority of 20 the said recited Act or the Act now in recital : AND whereas the said Act does not provide for the enlargement or extension of said district asylums : AND whereas the present accommodation in district asylums for pauper lunatics is insufficient, and it is expedient that further accommodation should be provided, so as to enable pauper lunatics to 25 be received into said asylums as soon as may be after they are afflicted with insanity, without which it is not found possible to cure the disorder ; BE it Enacted, That if it shall be deemed necessary at any time hereafter to enlarge or extend the buildings of any district asylum for the lunatic poor in Ireland, or the out-offices thereof, or to procure 30 more ground fit or necessary to be enjoyed therewith, then and in every such case it shall and may be lawful to and for the Lord Lieutenant or other chief Governor or Governors of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, from time to time and whenever it shall seem expedient to him or them so to do, to 35 direct and order that such enlargement or extension shall be made, or such additional ground as may be required shall be obtained ; or where it shall be inconvenient or impracticable to erect or obtain additional buildings adjoining to any such district asylum or asylums, then that additional buildings, with the ground fit or necessary to be enjoyed 40 therewith, shall be erected, established, rented or purchased within the same district, and as near as conveniently may be to such asylums respectively ; and such additional buildings and ground shall be held in connexion with and as part of the asylums for the district in which said additional buildings or ground shall be situate ; and every Order in

it shall be inconvenient or impracticable to erect or obtain additional buildings adjoining to any such district asylum or asylums, then that additional buildings, with the ground fit or necessary to be enjoyed therewith, shall be erected, established, rented or purchased within the  
 5 same district, and as near as conveniently may be to such asylums respectively; and such additional buildings and ground shall be held in connexion with and as part of the asylum for the district in which said additional buildings or ground shall be situate; and every Order in Council to be made for any such purposes shall be published in the  
 10 "Dublin Gazette."

And be it Enacted, That in order to provide for the more effectual treatment of pauper lunatics, by a better classification of the same, it shall and may be lawful for the Lord Lieutenant or other chief Governor or Governors of Ireland, by and with the advice and consent  
 15 of Her Majesty's Privy Council in Ireland, from time to time, and at all times, whenever and so often as shall seem expedient to him or them so to do, to direct and order that any additional buildings which may be made to existing asylums, under the provisions of this Act, shall and may be exclusively appropriated for the sole and  
 20 exclusive reception, custody and treatment of a particular class of the said pauper lunatics, distinguishable by the nature and character of the disease, and whether recent in its origin, or chronic, or whether considered curable or incurable, or to direct and order that a provincial asylum for the lunatic poor shall be erected, established and main-  
 25 tained in and for any or each of the provinces of Ireland to be so appropriated to any particular class or classes of lunatic poor of such province as aforesaid; such provincial asylums to be in addition to any district asylum or asylums erected or to be erected under said recited Acts or any of them, and from time to time to make rules  
 30 and orders for the government and control thereof, and for the admission of lunatics thereto.

15.  
 Asylums may be appropriated for the exclusive reception of particular classes, as to disease of Pauper Lunatics.

And be it Enacted, That all enactments contained in the said Acts of the first and second years of the reign of his late Majesty King GEORGE the Fourth, and of the seventh year of the reign of his said  
 35 late Majesty, and of the eleventh year of the reign of his said late Majesty, and in any Act or Acts amending the same or any of them, shall and may from time to time, and as occasion may require, so far as the same are applicable, and not repugnant to the provisions hereof, be extended, applied, used, exercised and enforced to and in respect of  
 40 any asylums, buildings or ground, which may be erected, purchased or rented under the provisions of this Act, save and except as to such central asylum first herein mentioned, and that the expense of erecting, establishing and maintaining every district asylum for the lunatic

16.  
 Powers of recited Acts to apply to this Act.

poor in Ireland, and every asylum which under the provisions of this Act shall be so exclusively appropriated for the reception of a particular class or description of pauper lunatics, together with the ground so rented or purchased, or the buildings so to be erected or obtained, adjoining to or in connexion therewith respectively, shall be raised in such manner as is directed by said Acts, or any of them ; and that every such asylum shall be subject to all such rules and regulations as are contained in the said recited Acts ; and that the said Acts and this Act shall be construed together as one Act ; and in any case of a provincial asylum erected and established for any province as aforesaid, such province and the several counties, counties of cities and counties of towns situate therein, shall be deemed and taken as a district attached to such asylum : Provided always, That the erection and establishment of any such provincial asylum shall not be deemed in any respect to prejudice or interfere with any district lunatic asylum situate therein, or any district assigned or attached to the same, or any provisions relating thereto.

17.  
**CLAUSE (A.)**  
 Manner of  
 proceeding  
 where any  
 County, &c.  
 shall be taken  
 out of any  
 District and  
 removed to  
 any new  
 District.  
 7 Geo. 4,  
 c. 14.

AND whereas by the said recited Act of the seventh year of his late Majesty King GEORGE the Fourth, it is amongst other things enacted, that if it shall at any time happen that any money shall have been raised off any county, county of a city or county of a town, or any part thereof, towards defraying the expenses of erecting, establishing, maintaining or supporting of any Lunatic Asylum, and that by reason of any change of the district or place in or for which such Asylum shall have been established, such county, county of a city or county of a town, or any part thereof, shall be taken out of the district liable to be assessed for such expenses, then and in such case any sum or sums of money which shall have been raised off such county, county of a city or county of a town, or such part thereof as aforesaid, shall be raised off any and every county, county of a city or county of a town, or any part or parts thereof which shall remain within such district ; and all and every sum and sums which shall be so raised shall be repaid to the Treasurer of the county, county of a city or county of a town which shall have been removed from such district ; and that whenever any county, county of a city or county of a town, or any part or parts thereof which shall have been comprised in any former district, shall, by reason of any such change as aforesaid, be comprised in or shall form part of any new district, such county, county of a city or county of a town, or such part thereof, shall be and is hereby declared to be subject and liable towards the defraying the expenses of any asylum in or for such new district, in like manner as is directed by the said recited Acts, or either of them, and as if such county, county of a city or county of a town, or such part thereof, had been originally comprised in or formed part of such new district : AND whereas it is expedient that

that in case of any change of any such district as aforesaid, no sum of money should be repaid to the Treasurer of any such county, county of a city or county of a town, which shall be removed from such district, save and except for defraying the expense of erecting or establishing  
 5 such Lunatic Asylum, but not for the expense of maintaining or supporting the same ; BE it Enacted, That when any change of the district of any district asylum shall be made as aforesaid, no sum of money for defraying the expenses of maintaining or supporting any such district asylum (after the same shall have been erected and established),  
 10 shall from and after the passing of this Act be raised off any county, county of a city or county of a town, or any part thereof, which shall remain (or be) within such district, or be repaid to the Treasurer of the county, county of a city or county of a town, which shall have been removed from such district, or be raised off any county, county of a city  
 15 or county of a town, or part thereof, which shall have been comprised in any former district, and shall by reason of any such change be comprised in or form part of any new district for any such asylum, anything in the said recited enactment to the contrary notwithstanding.

AND whereas by an Act passed in the Session of Parliament  
 20 holden in the sixth and seventh years of his late Majesty King WILLIAM the Fourth, intituled, " An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," it is enacted, that when a lunatic asylum, or any ward or wards for the reception and support of idiots and insane persons, is connected with or under the direction of any house of industry  
 25 in any county, it shall and may be lawful for the Grand Jury at any summer assizes to present such sum or sums, not exceeding the sum of One hundred Pounds, as shall appear to be necessary for the support of such asylum or ward connected with such house of industry, and such sum shall be raised off the county at large, and levied and applied accordingly : AND whereas it is expedient that such places should not be used for the support, reception or custody of insane persons, when sufficient accommodation for them shall be provided in district asylums ; BE it therefore Enacted, That whenever and as  
 35 soon as such enlargement and extension of any such district lunatic asylum shall have been made as aforesaid, or any such additional asylum in connexion with any such district lunatic asylum for any such district shall have been erected, or whenever any existing district or provincial lunatic asylum shall be sufficient for the purpose, it shall be lawful for the Lord Lieutenant or other chief Governor or  
 40 Governors of Ireland, from time to time in any such cases to order and direct that all such idiots or insane poor persons as shall be at the time of such order kept, supported or detained in any such house of industry, or in any lunatic asylum, or ward or wards for the re-

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ception

18.  
 Lunatic  
 Wards, &c.  
 connected  
 with Houses  
 of Industry.  
 6 & 7 W. 4,  
 c. 116, s. 89.

ception or support of idiots or insane persons connected with or under the direct on of any house of industry, shall be forthwith removed to the district or provincial lunatic asylum established for the district or province within which such house of industry shall be situate; and from and after the making of such order, and the publication of the same in the "Dublin Gazette," such last-mentioned idiots and insane persons shall be accordingly without delay removed to such district or provincial lunatic asylum, and after the making and publication of such order it shall not be lawful to receive into, or support, keep or detain any idiot or insane poor person in any such house of industry or asylum, or ward connected therewith; and from thenceforth no presentment shall be made by any Grand Jury for the support of such asylum or ward in or connected with such house of industry.

19.  
Cork Lunatic  
Asylum shall  
become a Dis-  
trict Lunatic  
Asylum for  
the County  
and the City  
of Cork, and  
of such other  
County, if  
any, as shall  
be added  
thereto, under  
1 & 2 Geo. 4,  
c. 33.

And be it Enacted, That from and after the passing of this Act, the Cork Lunatic Asylum shall and may be and become a district lunatic asylum for the county of Cork, and the county of the city of Cork, and for such other county or counties, if any, as from time to time may, under the provisions of the said Act of the first and second years of his late Majesty King GEORGE the Fourth, or any Act amending same, be constituted together with the said county of Cork and county of the city of Cork a district for a lunatic asylum, and that all rules, orders, regulations, rights, powers, authorities, privileges, liabilities, provisoes and enactments, contained in the said Act of the first and second years of King GEORGE the Fourth, and of any Act or Acts amending same, and of this Act, shall and may from time to time, as occasion may require, be extended, applied, used, exercised and enforced to and in respect of the district so constituted, in like manner, to all intents and purposes, as in the case of any district lunatic asylum created or established by or subject to the provisions of the said recited Act, or any Act amending same, or this Act.

20.  
Grand Juries  
of Cork, &c.  
shall make  
presentments  
for support of  
such Asylum.

And be it Enacted, That it shall and may be lawful for the Grand Juries of the county of the city of Cork, and of the county of Cork, and of each other county, if any, which may or shall from time to time constitute part of or be included in the district belonging to the said Asylum, and such Grand Juries are hereby respectively required to present; to be raised off the said city and each such county respectively, any sum or sums of money requisite to pay the expenses of the said Asylum, as well those of any building, alteration or reparation thereof, or of the purchase of any ground or property for the purposes thereof, as those of the maintenance, clothing and other charges of the patients therein, in like manner, with the same authorities and under the same regulations and restrictions as are provided in and

and by the said Act of the first and second years of his late Majesty's reign with respect to any district Lunatic Asylum, or any Act or Acts amending same, or in and by an Act passed in the Session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to  
5 consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland."

And be it Enacted, That from and after the passing of this Act, the said Asylum, and the ground and soil where the same stands, and  
10 the several materials and appurtenances, shall be and become vested in such Commissioners as have been, or shall, pursuant to the provisions of the said recited Act of the first and second years of his Majesty, be nominated and appointed for the district to which the said Asylum shall belong, or any Three of them, and to their heirs  
15 and successors, in trust for and to the uses and purposes of the said Asylum as such district lunatic asylum.

21.  
Asylum  
vested in  
Commis-  
sioners, under  
1 & 2 Geo. 4,  
c. 33.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant, or other chief Governor or Governors of Ireland for the time being, by and with the advice of Her Majesty's Privy Council  
20 in Ireland, to make and found such rules and regulations for the holding of clinical lectures by the medical attendant or attendants of the said Central Asylum, or said provincial or district Asylums, or any of them, as to the said Lord Lieutenant or other chief Governor or Governors of Ireland, with the advice of said Privy Council afore-  
25 said, may seem fit.

22.  
Lord Lieute-  
nant may  
make Rules  
and Regula-  
tions for the  
holding of  
Clinical Lec-  
tures.

And be it Enacted, That the said central Asylum for Criminal Lunatics and the said Provincial and District Asylums shall be visited and inspected by One of the Inspectors of Lunatic Asylums in Ireland, once at least in every Six Months, on such days and at such  
30 reasonable hours of the day, and for such length of time as he shall think fit; and such Inspector shall report upon the state thereof to the Lord Lieutenant or other Chief Governor or Governors of Ireland.

23.  
CLAUSE (B.)  
Asylums to  
be visited by  
an Inspector  
of Lunatic  
Asylums once  
in Six  
Months.

And be it Enacted, That the term "Criminal Lunatic" in this Act shall be construed to mean any person acquitted on the ground of in-  
35 sanity, or found to have been insane under the provisions of the said Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King GEORGE the Fourth; and the term "Lunatic" shall be construed to mean any insane person.

24.  
Interpreta-  
tion Clause.

And be it Enacted, That this Act shall extend only to Ireland.

25.  
Act to extend  
only to Ire-  
land.

40 And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

26.  
Act may be  
amended.

# *Criminal Lunatics (Ireland).*

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Establishment of a Central Asylum for Insane Persons charged with Offences in Ireland, and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in Ireland, and for appropriating the Lunatic Asylum in the City of Cork to the Purposes of a District Lunatic Asylum.

*(Prepared and brought in by  
Sir Thomas Fremantle and Mr. Attorney-  
General for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,  
11 July 1845.*

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493.

*Under 2 oz.*



A

# B I L L

To alter and amend the Practice in Scotland with regard  
to Crown Charters and Precepts from Chancery.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in the Committee.]

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**W**<sup>HEREAS</sup> it is expedient to alter and amend, in sundry Preamble.  
particulars, the mode at present used and observed in  
Scotland, of obtaining Charters from Her Majesty and from the Prince  
of Scotland, and Precepts from Chancery for infesting heirs, and to  
5 make provision for better securing the interests of Her Majesty and of  
the said Prince, with reference to such Charters and Precepts;

May it therefore please Your MAJESTY,

That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's  
most Excellent MAJESTY, by and with the Advice and Consent of the  
10 Lords Spiritual and Temporal, and Commons, in this present Parliament  
assembled, and by the Authority of the same, THAT from and  
after the

the practice of presenting and passing signatures in Exchequer, and  
of thereon framing and issuing precepts directed to Chancery, as pre-  
15 liminary to the granting of Charters from Her Majesty or the Prince  
of Scotland, shall cease and determine, and it shall no longer be ne-  
cessary, in order to the obtaining of any such Charter, that such  
signature shall be presented and passed, or such precept be framed  
and issued; and all such Charters shall be obtained in the manner  
20 directed by this present Act, and not otherwise; and all laws, statutes  
and usages heretofore existing inconsistent with, or at variance with,  
the provisions of the present Act shall be and the same are hereby  
repealed.

1.  
Signatures  
and Precepts  
to Chancery  
abolished.

And be it Enacted, That whenever any person shall be desirous of  
obtaining a Charter from Her Majesty or from the Prince of Scotland,  
he shall lodge, or cause to be lodged, in the office of the Director of

2.  
Charters, how  
to be ob-  
tained.

Her Majesty's Chancery in Scotland, a draft of the proposed Charter, prepared by his agent, being a writer to the signet, together with a short note, in the terms or to the effect of the Schedule (A.) hereto annexed, praying for a Charter in terms of the said draft; and the date of lodging the said note shall be marked thereon by the said Director of Chancery, or his depute or substitute. 5

3.  
Title-deeds to  
be lodged.

And be it Enacted, That along with the said note and draft, there shall in every case be lodged the Charter or Charters of the lands or other subjects last granted by Her Majesty or the Prince, and the whole title-deeds of the said lands or subjects subsequent thereto; 10 and the person applying for the Charter shall further, on requisition made to him or his agent to that effect by the revising agent after-mentioned, lodge the prior titles of the said lands or other subjects, and any other title-deeds or other deeds of and concerning the same, in so far as the same may be necessary for the due revisal of the said draft on behalf of Her Majesty or the Prince. 15

4.  
Charter to be  
revised.

And be it Enacted, That the draft so lodged shall be forthwith transmitted for revisal to such person, being a writer to the signet, as shall be appointed by the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works and Buildings, with the sanction 20 and approbation of the Lord High Treasurer or Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, as agent to revise such drafts on behalf of Her Majesty, or as shall be appointed by the said Prince, or by Her Majesty on behalf of the said Prince, in terms of law, as agent to revise such drafts on 25 behalf of the said Prince; and the said draft shall be forthwith revised by the said agent, who shall, if necessary, communicate with the agent of the person applying for the said Charter, in like manner as is done between the agents of superior and vassal in ordinary cases, and shall make such alterations and corrections on the said draft, or which 30 may be expressed in a separate paper marked as relative thereto, as may appear to him necessary for effectually securing the interests of Her Majesty or the said Prince, authenticating the same with his initials; and shall mark on the said draft that the same has been revised by him, and also the date when the said revisal was 35 completed.

5.  
Composi-  
tions, &c. to  
be struck.

And be it Enacted, That the said agent so to be appointed on behalf of Her Majesty or of the Prince as aforesaid, shall also, with the aid of the Auditor of Exchequer, ascertain and fix the amount of duties, composition or other payment due and payable to Her Ma- 40 jesty or the Prince on granting such Charter; and the amount of the same shall be marked on the said draft, and certified by the signatures of the said Auditor of Exchequer and of the said revising agent.

And

And be it Enacted, That the person applying for such Charter shall be bound, in respect of the revisal before directed, to pay the fees specified in the Schedule (B.) hereto annexed; and the amount of the fees due in respect of such revisal shall be marked on the draft of the Charter aforesaid, and certified by the signatures of the said Auditor of Exchequer, and of the said revising agent, and shall be paid at the same time with the amount of duties, composition or other payment due or payable to Her Majesty or the Prince, as hereinafter provided.

6.  
Revising Fees  
to be paid.

And be it Enacted, That the said revised draft shall be returned by the revising agent to the office of the Director of Chancery, and notice of the same having been so returned shall be given by the revising agent to the party applying for the Charter, or his agent; and the said revised draft shall be open to the inspection of the said party or his agent in the said office, and a copy thereof be at all times furnished on demand, on payment of the fees to be fixed as hereinafter directed.

7.  
Revised  
Draft to be  
returned to  
Chancery.

And be it Enacted, That where no objections shall be stated against the said draft, in manner hereinafter provided, the presenter of signatures in Exchequer shall write on the note praying for the Charter the words "Fiat ut Petitur," and subscribe the same with his signature, adding also the date when such signature was attached; and the said fiat so subscribed shall form a valid and sufficient warrant for the preparation of the Charter in Chancery, in terms of the revised draft.

8.  
Charter,  
where no ob-  
jections, to be  
passed by  
Presenter of  
Signatures.

And be it Enacted, That it shall be competent to apply for the Charter in manner before directed, and to have the same revised, and the fiat of the presenter of signatures adhibited as before provided, at any period of the year, and notwithstanding that it shall not then be Term-time of the Court of Exchequer.

9.  
Proceedings  
may be taken  
in Vacation.

And be it Enacted, That it shall and may be lawful for the person applying for the Charter to state whatever objections may seem to him to lie against the draft, as revised in manner aforesaid, or against the amount of duties, composition, fees or other payments thereon marked as payable; and any objections to be stated shall be set forth in a short written note of objections, without argument, to be lodged in the office of the Director of Chancery, subscribed by the agent of the said person; and the date of lodging the said note of objections shall be marked thereon by the said Director of Chancery, or his depute or substitute.

10.  
Objections,  
how to be  
stated.

And be it Enacted, That where a note of objections shall be lodged in manner before provided, the said note of objections shall, together with

11.  
Objections,  
how to be dis-  
posed of.

with the whole other proceedings, be laid by the presenter of signatures before the Judges performing the duties of the Court of Exchequer, in terms of the Act of Parliament passed in the second and third year of Her Majesty's reign, or any one of the said Judges, on a day during the terms appointed for the sitting of the said Court of Exchequer; and the said Judges or Judge shall hear the person objecting as aforesaid, by himself, his counsel or his agent; and shall also hear any argument or observations which may be offered by the revising agent aforesaid, or by whatever counsel or agent may attend on behalf of Her Majesty or the said Prince; and wherever it shall appear to the said Judges or Judge that the said objections should to any extent receive effect, they or he shall cause such alterations and corrections as shall appear to them or him proper to be made on the draft aforesaid, or to be expressed in a separate paper marked as relative thereto, authenticating the same with their or his initials; and the said Judges or Judge shall, at the same time, pronounce and subscribe a judgment or deliverance, to be written on the said note of objections, appointing the Charter, as so altered and corrected, to be prepared and executed; and the judgment or deliverance so pronounced shall form a valid and sufficient warrant for the preparation in Chancery of the Charter as so altered and corrected.

12.  
Judgment to  
be pro-  
nounced re-  
pelling un-  
founded ob-  
jections.

And be it Enacted, That wherever the said Judges or Judge shall be of opinion that the said objections should not to any extent receive effect, they or he shall pronounce and subscribe a judgment, to be written on the said note of objections, repelling the said objections; and the judgment or deliverance so pronounced shall form a valid and sufficient warrant for the preparation in Chancery of the Charter as revised by the revising agent in manner before directed.

13.  
Judges only  
to dispose of  
objections.

And be it Enacted, That from and after the date aforesaid, the Judges performing the duty of the Court of Exchequer as aforesaid, shall be and they are hereby relieved from the performance of all other duties in regard to the revisal and preparation of Charters to be granted by Her Majesty or the Prince of Scotland, save and except the duty of considering and disposing of objections stated in manner before directed.

14.  
Charter, as  
revised, to be  
engrossed and  
delivered.

And be it Enacted, That so soon as the presenter of signatures shall have written the fiat aforesaid, or in case of objections being stated, so soon as the same shall have been disposed of in manner before directed, it shall and may be lawful immediately thereafter to have the Charter engrossed, in the office of Chancery aforesaid, in terms of the draft as finally adjusted; and the said Charter shall have the Great Seal affixed thereto, and be recorded in Chancery, and thereafter delivered to the person applying for the same or his agent, in

in like manner in all respects, and on payment of the same fees and charges, as at present used and observed: Provided always, That before the Charter shall be so delivered, payment shall further be made to the officers who have been in use, or may be hereafter appointed,  
 5 to receive the same, of the duties, compositions or other payments due and payable to Her Majesty or the Prince as aforesaid; and also to the agent appointed for revising the draft on behalf of Her Majesty as aforesaid, of the fees due in respect of such revisal, and a certificate of such payment having been made by the parties receiving the same,  
 10 duly exhibited; and a record of all duties, compositions or other payments due and payable to Her Majesty or the Prince shall be kept in Chancery, so as to form a charge against the officer or other person appointed to receive the same.

And be it Enacted, That the Charter engrossed, sealed, recorded  
 15 and delivered as aforesaid, shall be in all respects as valid and effectual, and form an equally sufficient warrant for infestment passing thereon, as any Charter of the same description hitherto in use to be granted by Her Majesty or the Prince of Scotland, notwithstanding that the same has not followed on any signature presented and passed in Ex-  
 20 chequer, or precept directed to Chancery, any law or usage heretofore existing to the contrary notwithstanding.

15.  
 Charter to be  
 a good war-  
 rant for in-  
 festment.

And be it Enacted, That in every case in which a Charter of Resig-  
 nation by Her Majesty or the Prince of Scotland is applied for, it shall, from and after the date aforesaid, not be necessary to go through  
 25 any form or ceremony of resignation; but in all cases resignation shall be held to be duly made and completed in terms of the procuratory of resignation, by the ingiving of the note applying for the Charter as aforesaid, and as of the date of the said ingiving; and the Charter of Resignation shall set forth that resignation was duly and sufficiently  
 30 made of the said date, and shall otherwise deduce the titles according to law; and every such Charter of Resignation shall be as valid and effectual, and form an equally sufficient warrant for infestment passing thereon, as any Charter of Resignation heretofore granted by Her Majesty or the said Prince, any law or usage heretofore existing to  
 35 the contrary notwithstanding.

16.  
 Ceremony of  
 Resignation  
 abolished.

And be it Enacted, That whenever any person shall be desirous of obtaining a precept from Chancery for infesting himself as heir to a deceased predecessor, he shall, in like manner as before enacted, lodge, or cause to be lodged, in the office of the said Director of Chancery, a  
 40 draft of the proposed precept, prepared by his agent, being a writer to the signet, together with a note in the terms or to the effect before directed, praying that such precept be granted, and the said draft shall

17.  
 Precepts for  
 infesting  
 Heirs to be  
 obtained in  
 like manner  
 with Charters.

be revised by the agent appointed on behalf of Her Majesty or of the Prince of Scotland, in manner aforesaid ; and all and the like enactments hereinbefore set forth with regard to Charters from Her Majesty or the Prince of Scotland shall be and the same are hereby made applicable to the said precepts ; and the fiat of the presenter of signatures, or in the case of objections, the judgment or deliverance of the Judges aforesaid, shall form a valid and sufficient warrant for the preparation in Chancery of the precept, in terms of the draft, as finally corrected and approved ; and the same shall forthwith be engrossed in the office of Chancery aforesaid, and delivered to the person applying for the same ; and the precept so engrossed and delivered shall be in all respects as valid and effectual, and form an equally sufficient warrant for infestment passing thereon, as any the like precept issued from Chancery according to the mode at present used and observed : Provided always, That before the precept is so delivered, payment shall be made of all the fees, duties, compositions or other payments due and payable in respect of the same, in manner hereinbefore directed.

18.  
Charters of  
Novodamus,  
how to be  
obtained.

Provided always, and be it Enacted, That in every case in which a Charter of Novodamus, or a Charter containing any new or original grant, shall be sought, the person applying for the same shall, previously to presenting the note in Chancery before mentioned, obtain the consent and approbation, duly signified in writing, of the Lord High Treasurer or Commissioners of Her Majesty's Treasury, to the said Charter being granted ; and shall produce the written evidence of the same, along with the note praying for the Charter, as aforesaid ; after which the same procedure, in all respects, shall be followed as is herein directed ; and the draft of the said Charter shall be revised, and the Charter prepared and executed in manner hereinbefore provided, and subject to all the provisions and enactments hereinbefore set forth.

19.  
Deeds to be  
written in  
English, and  
in ordinary  
handwriting.

And be it Enacted, That from and after the date aforesaid, all Charters granted by Her Majesty or the Prince of Scotland, and the instruments of sasine following thereon, and all precepts from Chancery for infesting heirs, and instruments of sasine thereon, shall be expressed in the English language, and engrossed in ordinary handwriting ; any usage to the contrary notwithstanding.

20.  
Judges to  
frame Regu-  
lations.

And be it Enacted, That the Judges performing the duty of the Court of Exchequer as aforesaid, shall be and they are hereby authorized from time to time to frame and enact, by Rule of Court, all such regulations as shall seem to them proper for giving effect to the purposes of the present Act ; and the said Judges shall forthwith frame and enact a Rule of Court, fixing and determining the fees, other than those

those hereby specially enacted, to be paid on the various proceedings to be taken by virtue hereof.

5 And be it Enacted, That all words in the present Act importing the singular number shall equally comprehend a plurality of persons and things ; and all words importing the masculine gender shall comprehend females as well as males ; and this Act shall on all occasions be liberally construed, and so as best to promote the objects thereby intended.

21.  
Construction  
of Act.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament

22.  
Act may be  
repealed, &c.

## SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

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### SCHEDULE (A.)

---

IN HER MAJESTY'S CHANCERY.

NOTE for A. B. (insert name and designation).

THE said A. B. humbly prays, that a Charter [or Precept, or other deed, as the case may be] may be granted by Her Majesty [or the Prince of Scotland, as the case may be] in terms of the Draft herewith lodged, and marked as relative hereto.

(signed) C. D., (W. S.) Agent for the said A. B.

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### SCHEDULE (B.)

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FEES to be paid on the Revisal of every CHARTER or PRECEPT granted in virtue of this Act.

	£.	s.	d.
For every Charter or Precept not exceeding 10 folios			
of words each - - - - -			
For every additional folio of words - - -			

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***Crown Charters, &c. (Scotland).***

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A

B I L L

To alter and amend the Practice in Scotland  
with regard to Crown Charters and  
Precepts from Chancery.

(*Prepared and brought in by*  
*The Lord Advocate and the Earl of Lincoln.*)

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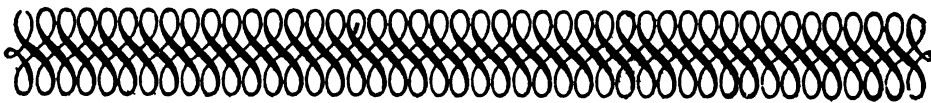
*Ordered, by The House of Commons, to be Printed,*  
*22 July 1845.*

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555.

*Under 2 oz.*



A

# B I L L

## To grant certain Bounties and Allowances of Customs.

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[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

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**W**H ~~HEREAS~~ an Act was passed in the Session of Parliament holden in the third and fourth years of the reign of King WILLIAM the Fourth, intituled, “An Act to grant certain Bounties and Allowances of Customs,” whereby the laws of Customs in relation to Bounties and Allowances of Customs were consolidated: And whereas since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act; ~~BE it therefore Enacted~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, the same shall come into and be and continue in full force and operation for all the purposes mentioned therein, except where any other commencement is herein particularly directed.

Preamble :

3 & 4 Will. 4,  
c. 58.

1.  
Commence-  
ment of Act.

And be it Enacted, That so long as the Duties due and payable upon the importation of Sugar shall be continued, there shall be allowed upon the exportation of Refined Sugar made in the United Kingdom

2.  
Bounties  
allowed upon  
the exporta-  
tion of Refined  
Sugar.

Kingdom the several Bounties set forth in the Table hereinafter contained ; (that is to say)

Upon Double-refined Sugar, or Sugar equal in quality to Double-refined, for every hundred weight - - - - }	£. s. d. 1 0 0	
Upon other Refined Sugar, in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform white- ness throughout, or such Sugar pounded, crashed or broken, and Sugar-candy, for every hundred weight - - - - }	0 17 0	5
Upon Bastard or Refined Sugar broken in pieces, or being ground, or powdered Sugar, or such Sugar pounded, crashed or broken, for every hundred weight - - - - }	0 14 0	10

3.  
Bond to be  
given for the  
due exporta-  
tion.

And be it Enacted, That the exporter of any goods in respect of which any bounty is claimed under this Act, or the person in whose name the same are entered outwards, shall, at the time of entry and before cocket be granted, give security by bond in double the amount 15 of such bounty, with One sufficient surety, that the same shall be duly exported to the place for which they are entered, or be otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs, and shall not be re-landed in the United King- dom or landed in the Isle of Man, unless expressly entered to be 20 carried thereto.

4.  
Candy in  
packages of  
half hundred-  
weight.

And be it Enacted, That no bounty shall be given upon the export- ation of any refined sugar called Candy, unless it be properly refined and manufactured, and free from dirt and scum, and packed in packages, each of which shall contain half a hundred-weight of such 25 Candy at the least.

5.  
Sugar crashed  
for exporta-  
tion.

And be it Enacted, That if any Sugar in lumps or loaves is to be pounded, crashed or broken before the same be exported for the bounty payable thereon, such lumps or loaves shall, after due entry thereof, be lodged in some warehouse provided by the exporter, and 30 approved by the Commissioners of Her Majesty's Customs for such purpose, to be then first examined by the officers of Customs, while in such lumps or loaves, as if for immediate shipment, and afterwards to be there pounded, crashed or broken, and packed for exportation in the presence of such officers, and at the expense of the exporter ; and 35 such Sugar shall be kept in such warehouse, and be removed from thence for shipment, and be shipped under the care and in the charge of the searchers, in order that the shipment and exportation thereof may be duly certified by them upon the debenture, according to the quality ascertained by them of the same while in such lumps or 40 loaves.

6.  
Different  
sorts of  
crashed Sugar  
to be kept  
separate.

And be it Enacted, That the different sorts of such Sugar shall be kept apart from each other, in such manner and in such distinct rooms or divisions of such warehouse as shall be directed and appointed by the

the Commissioners of Her Majesty's Customs ; and if any sort of such Sugar shall be found in any part of such warehouse appointed for the keeping of Sugar of a sort superior in quality thereto, the same shall be forfeited ; and if any sort of such Sugar shall be brought to such  
 5 warehouse to be pounded, crashed or broken, which shall be of a quality inferior to the sort of Sugar expressed in the entry for the same, such Sugar shall be forfeited.

And be it Enacted, That there shall be provided by and at the expense of the Committee of Sugar Refiners in London, and in like  
 10 manner by and at the expense of the Committee of Merchants in Dublin, as many loaves of Double-refined Sugar prepared in manner hereinafter directed, and as many loaves or lumps of Sugar made upon the patent principle, and equal in quality to Double-refined Sugar, as the Commissioners of Her Majesty's Customs shall think necessary ;  
 15 which loaves or lumps, when approved of by the said Commissioners, shall be deemed and taken to be standard samples ; one of which loaves or lumps shall be lodged with the said Committees respectively, and one other with such person or persons as the said Commissioners shall direct, for the purpose of comparing therewith Double-refined  
 20 Sugar, or Sugar equal in quality to Double-refined Sugar entered for exportation for the bounty ; and fresh standard samples shall in like manner be again furnished by such Committees respectively, and in like manner lodged, whenever it may be deemed expedient by the said Commissioners : Provided always, That no loaf of Sugar shall  
 25 be deemed to be a proper sample loaf of Double-refined Sugar as aforesaid if it be of greater weight than Fourteen Pounds, nor unless it be a loaf complete and whole, nor unless the same shall have been made by a distinct second process of refinement from a quantity of Single-refined Sugar, every part of which had first been perfectly clarified and duly refined, and had been made into loaves or lumps which  
 30 were of an uniform whiteness throughout, and had been thoroughly dried in the stove : Provided also, That no loaf or lump of Sugar shall be deemed to be a proper sample loaf or lump of Sugar equal to Double-refined unless it be a loaf or lump complete, nor unless the  
 35 same shall have been prepared after the patent principle.

7.  
 Sample  
 Loaves to be  
 provided.

Proviso for  
 Double-re-  
 fined Sugar.

Proviso for  
 Patent Sugar.

And be it Enacted, That in case any Sugar which shall be entered in order to obtain the bounty on Double-refined Sugar, or Sugar equal in quality to Double-refined Sugar, shall on examination by the proper officer be found to be of a quality not equal to such standard sample,  
 40 all Sugar so entered shall be forfeited and may be seized.

8.  
 Sugar entered  
 not equal to  
 the Standard  
 shall be for-  
 feited.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

9.  
 Act may be  
 altered this  
 Session.

*Customs, Bounties, and Allowances.*

A

**B I L L**

To grant certain Bounties and Allowances  
of Customs.

(Prepared and brought in by  
*Mr. Greene, Mr. Chancellor of the Exchequer,  
and Mr. Cardwell.*)

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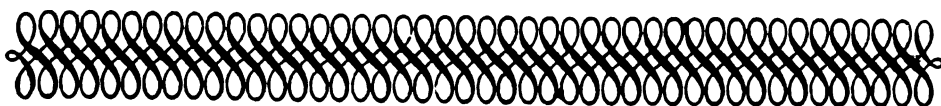
*Ordered, by The House of Commons, to be Printed,  
18 July 1845.*

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535.

*Under 1 oz.*



A

# B I L L

## For granting Duties of Customs.

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[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

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**W**H~~EREAS~~ an Act was passed in the Session of Parliament holden in the third and fourth years of the reign of King WILLIAM the Fourth, intituled, “An Act for granting Duties of Customs,” whereby the several Duties of Customs were consolidated into one Act:

Preamble :

3 & 4 Will. 4.  
c. 56.

5

And whereas since the passing of the said Act divers parts of Acts altering the said Duties have been passed; and it will be of advantage to the trade and commerce of the country that the said several Duties should be consolidated into one Act;

10 **B**E it ~~therefore~~ Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, the same shall come into and be and  
15 continue in full force and operation for all the purposes mentioned therein, except where any other commencement is herein particularly directed.

1.  
Commence-  
ment of Act.

And be it Enacted, That, in lieu and in stead of all other Duties and drawbacks of Customs (except the Duties and Drawbacks upon Corn,  
20 Grain, Meal or Flour, Sugar and Molasses), there shall be raised, levied, collected and paid unto Her Majesty, Her heirs and successors, upon goods, wares and merchandize imported into or exported from the United  
530. Kingdom,

2.  
Instead of all  
other Duties  
of Customs  
(except on  
Corn, &c.),  
there shall  
be paid and  
allowed the  
Duties and

A

Drawbacks  
specified in  
the Tables  
annexed.

Kingdom, the several Duties of Customs, and there shall be allowed the several Drawbacks as the same are respectively inserted, described and set forth in figures in the Tables marked (A.) and (B.) to this Act annexed, together with the additional Duties hereinafter mentioned.

3.  
Duties on  
Corn, &c., to  
be raised, &c.,  
in the same  
manner  
as Duties  
mentioned  
in this Act.

And be it Enacted, That the Duties imposed upon corn, grain, meal and flour, by an Act passed in the Session of Parliament holden in the fifth and sixth years of the reign of Her present Majesty, intituled, "An Act to amend the Laws for the Importation of Corn," shall be raised, levied, collected and paid in such and the same manner in all respects as the several Duties of Customs mentioned in this Act are directed to be raised, levied, collected and paid. 5 10

4.  
An additional  
Duty of 4d.  
per Gallon to  
be levied upon  
Spirits, and of  
Five per Cent.  
upon all other  
Articles.

And be it Enacted, That there shall be charged; raised, levied, collected and paid unto Her Majesty, Her heirs and successors, in addition to the Duties mentioned in the said Table marked (A.) upon every gallon of spirits or strong waters of all sorts imported into the United Kingdom a further Duty of *Four-pence*, and upon all the articles enumerated in the said Table marked (A.), except spirits and strong waters, a further Duty of five per centum upon the amount of the several Duties in and by the said Table marked (A.) respectively, charged upon the said articles, and each of them; except the following articles; (that is to say) 15 20

Isinglass;

Oils, chemical, essential or perfumed;

Oils, essential of cloves;

Pickles, preserved in vinegar;

Pickles or vegetables preserved in salt;

Refined Camphor;

Smalts;

Turpentine;

Verdigris;

Yarn Cable;

Glass of all sorts.

5.  
Goods having  
paid Duties  
imposed by  
former Acts,  
to be entitled  
to Drawbacks.

And be it Enacted, That the amount of drawbacks granted, allowed and made payable upon goods, wares and merchandise exported from or used or consumed in Great Britain or Ireland, under or by virtue of any Act or Acts in force in Great Britain or Ireland, on or immediately before the passing of this Act, shall remain and continue payable with respect to such goods, wares and merchandise as, having paid the Duties imposed upon the importation thereof by any such Act or Acts, shall, from and after the passing of this Act, be exported from or be so used or consumed in Great Britain or Ireland respectively. 35 40

6.  
Goods in  
Warehouse  
to be liable  
to the Duties  
imposed by  
this Act.

And be it Enacted and Declared, That all goods whatsoever which shall have been warehoused without payment of Duty upon the first importation

importation thereof, and which shall be in the warehouse at the commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties.

And be it Enacted, That the Duties and Drawbacks by this Act  
 5 imposed and allowed shall be under the management of the Commis-  
 sioners of Her Majesty's Customs, and shall be ascertained, raised,  
 levied, collected, paid and recovered, and allowed and applied or  
 appropriated under the provisions of an Act passed in the present  
 Session of Parliament, intituled, "An Act for the general Regulation  
 10 of the Customs."

7.  
 Duties and  
 Drawbacks  
 to be under  
 the manage-  
 ment of the  
 Commission-  
 ers of Cus-  
 toms.

And be it Enacted, That it shall be lawful for Her Majesty, by and  
 with the advice of Her Privy Council, by Her Order in Council, from  
 time to time to order and direct that there shall be levied and collected  
 any additional Duty, not exceeding *One-fifth* of the amount of any  
 15 existing Duty, upon all or any goods, wares or merchandise, the growth,  
 produce or manufacture of any country which shall levy higher or  
 other Duties upon any article the growth, produce or manufacture of  
 any of Her Majesty's dominions, than upon the like article, the growth,  
 produce or manufacture of any other Foreign Country, and in like  
 20 manner to impose such additional Duties upon all or any goods when  
 imported in the ships of any country which shall levy higher or other  
 Duties upon any goods when imported in British ships than when  
 imported in the national ships of such country, or which shall levy  
 higher or other tonnage or port or other Duties upon British ships  
 25 than upon such national ships, or which shall not place the commerce  
 or navigation of this Kingdom upon the footing of the most favoured  
 nation in the ports of such country, and either to prohibit the impor-  
 tation of any manufactured article, the produce of such country, in the  
 event of the export of the raw material of which such article is wholly  
 30 or in part made being prohibited from such country to the British  
 dominions, or to impose an additional Duty not exceeding *One-fifth* as  
 aforesaid upon such manufactured article, and also to impose such  
 additional Duty in the event of such raw material being subject to  
 any Duty upon being exported from the said country to any of Her  
 35 Majesty's dominions, and all Duties imposed by any such Order shall  
 be deemed to be Duties imposed by this Act.

8.  
 Additional  
 Duties to be  
 levied on  
 Foreign Mer-  
 chandise, &c.

AND whereas by an Act passed in the fifty-ninth year of the  
 reign of his late Majesty King GEORGE the Third, intituled, "An  
 Act to carry into effect a Convention of Commerce concluded between  
 40 His Majesty and the United States of America, and a Treaty with the  
 Prince Regent of Portugal," divers provisions were made respecting  
 the Duties payable and the bounties and allowances to be granted  
 upon the importation and exportation of Goods, Wares and Mer-  
 chandise into or from the United Kingdom in vessels of the United

9.  
 59 Geo. 3,  
 c. 54, to  
 apply to all  
 Foreign  
 Powers, as  
 well as  
 United States  
 and Portugal,  
 and to Duties  
 on Goods as  
 well as on  
 Ships.

States and in Portuguese vessels, and respecting the repayment to certain corporations, bodies politic and corporate, and sundry other persons, of the amount of the sums of money of which they would be deprived by means of the said Act, and it was thereby enacted that the said Act should continue in force so long as the convention therein recited between his said late Majesty and the United States of America and the Treaty therein recited between his said late Majesty and his Royal Highness the Prince Regent of Portugal, and so long as any Treaty to be made with any foreign power with the similar provisions thereinbefore recited should respectively continue in force: AND whereas, subsequently to the enactment of the said recited Act, Her Majesty and Her Royal predecessors have made and concluded with divers Foreign Powers Treaties containing provisions similar to those recited in the said recited Act, and doubts have arisen whether, according to the true construction thereof, the said Act doth apply and extend to the Trade and Shipping of such other Foreign Powers, and whether the same applies to differential Duties or charges on goods imported or exported in Foreign ships, as well as to differential Duties and charges on Foreign ships, and it is expedient that such doubts be removed; BE it therefore Enacted and Declared, That from and after the ratification of any Treaty heretofore made by Her Majesty, or any of Her Royal predecessors subsequently to the enactment of the said Act, or of any Treaty which may hereafter be made by Her Majesty, Her heirs and successors, with any such Foreign Power, in which Treaty has been or shall be contained provisions similar to those recited in the said recited Act, all and every the provisions, clauses, matters and things in the said recited Act contained, shall apply and extend to the Trade and Shipping of such Foreign Powers respectively, as fully and effectually to all intents and purposes as to the Trade and Shipping of the said United States and of the said Kingdom of Portugal, and also shall apply and extend to differential Duties or Charges on goods imported or exported in the ships of such Foreign Powers, as well as to differential Duties on the ships of such Foreign Powers.

10.  
Recited Act  
not to be  
construed as  
granting  
Powers  
beyond  
subsisting  
Treaties.

Provided nevertheless, and be it Enacted and Declared, That the said recited Act doth not extend, and shall not be construed to extend, to grant to or to confer upon the Trade or Shipping of the said United States, or of the said Kingdom of Portugal, or of any other Foreign Power, or to the subjects of such States or Kingdom, or of any such Foreign Power as aforesaid, any other or greater advantage than such as shall have been stipulated for by and granted to the said United States, the said Kingdom of Portugal, or any such other Foreign Power, by the respective Treaties subsisting and in force between them respectively and Her Majesty, Her heirs and successors, or Her Royal predecessors; but that the said Act shall be so construed

construed and applied as to give full and complete effect to such respective Treaties, so long as the same shall respectively remain in force, and is to provide such, and only such, indemnity as therein mentioned to such Bodies Politic and Corporate, and other persons  
 5 as are therein mentioned, for such losses as they shall respectively sustain by the execution of such respective Treaties.

AND for the prevention of uncertainty herein ; BE it Enacted, That it shall and may be lawful for Her Majesty, Her heirs and successors, by any Order or Orders to be by Her or them made, with the advice  
 10 of Her or their Privy Council, and published in the London Gazette, from time to time to declare what are the Foreign Powers with which any such Treaty or Treaties as aforesaid is or are subsisting, and this present Act, and the said recited Act, shall apply and shall be deemed  
 15 applicable to the Trade and Shipping of such Foreign Countries as shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unre-  
 voked, and no longer.

11.  
 Her Majesty, with advice of Privy Council, to declare the Powers with whom Treaties are subsisting.

And be it Enacted, That in any case where any Treaty is in force  
 20 between Her Majesty and any Foreign State, containing any stipulations that no higher Duties or Charges shall be levied on the vessels or produce of such Foreign State, or upon goods exported or imported in the vessels of such Foreign State, than on British vessels or produce, or upon the like goods exported or imported in British vessels, or any  
 25 direct or indirect stipulations to the like effect or for the like objects, or any of them, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, from time to time, to give directions that all Duties or Charges imposed by any Act passed after the Tenth day of July One thousand Eight hundred and Forty-two, upon the vessels of such Foreign State entering or leaving any port of  
 30 Her Majesty's dominions, or upon articles of the growth, produce or manufacture of the dominions of such Foreign State, or upon any articles imported into the United Kingdom in vessels of such Foreign State, or upon any articles (or any particular classes of articles), exported from  
 35 the United Kingdom (or exported from the United Kingdom to any particular place or places), shall be reduced to the same rates as are in the like cases imposed upon British vessels, or upon the like articles of British growth, produce or manufacture, or upon the like articles imported into or exported from the United Kingdom in British vessels,  
 40 or to give so much of the said directions as the case may require.

12.  
 Lords of Treasury may reduce Duties on Ships or Goods of Countries under reciprocity.

And be it Enacted, That all manufactures of Gibraltar, Malta and Heligoland, made of materials of Foreign Produce liable to Duty upon importation into the United Kingdom, upon which no such  
 530.

13.  
 Manufactures of Gibraltar, &c. from Foreign materials deemed Foreign.

Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, shall, for the purposes of Duty, be deemed and taken to be the produce of and imported from a Foreign Country.

14.  
Certain  
produce of  
the State of  
Maine to be  
treated as the  
produce of  
New Brun-  
swick.

AND whereas a Treaty has been concluded between Her Majesty 5  
and the United States of America, dated the ninth day of August in  
the year One thousand eight hundred and Forty-two, whereby it is  
stipulated, that all the produce of the forest in logs, lumber, timber, 10  
timber boards, staves or shingles, or of agriculture not being manufac-  
tured, grown on any of those parts of the State of Maine watered by  
the River Saint John, or by its tributaries, of which fact reasonable  
evidence shall, if required, be produced, shall have free access into  
and through the said river and its tributaries having their source  
within the State of Maine to and from the sea-port at the mouth of the  
River Saint John, and to and round the falls of the said river, either 15  
by boats, rafts or other conveyance; and that when within the Province  
of New Brunswick the said produce shall be dealt with as if it were the  
produce of the said province: AND whereas it is the intention of the  
High Contracting Parties to the said Treaty that the aforesaid pro-  
duce should be dealt with as if it were the produce of the province of 20  
New Brunswick; BE it therefore Enacted, That the produce in the  
said recited Treaty, and hereinbefore described, shall, so far as regards  
all laws relating to duties, navigation and customs in force in the  
United Kingdom, or in any of Her Majesty's dominions, be deemed  
and taken to be and be dealt with as the produce of the province of 25  
New Brunswick: Provided nevertheless, That in all cases in which  
declarations and certificates of production, or origin and certificates of  
clearance would be required in respect of such produce, if it were the  
produce of New Brunswick, similar declarations and certificates shall  
be required in respect of such produce, and shall state the same to be 30  
the produce of those parts of the State of Maine which are entered by  
the River Saint John, or by its tributaries.

15.  
Drawback on  
the exporta-  
tion of  
Foreign Rice  
or Paddy.

And be it Enacted, That upon the exportation from the United 35  
Kingdom of any Foreign Rice or Paddy, which shall have been cleaned  
therein, and which shall have paid the Duties payable on the importa-  
tion thereof, there shall be allowed and paid for every Hundred Weight  
thereof a Drawback equal in amount to the Duty paid on every Four  
Bushels of the rough Rice or Paddy from which the same shall have  
been cleaned.

16.  
Conditions on  
which such  
Drawback is  
paid.

Provided always, and be it Enacted, That such Drawback upon 40  
Rice so exported shall be paid and allowed only upon such clean  
Rice as shall be deposited for the purpose of exportation within  
*One calendar Month* from the day on which the Duty thereon had been  
paid

paid, in some warehouse in which Rice may be warehoused on importation without payment of Duty, and shall there remain secured until duly shipped to be exported from such warehouse: Provided also, That the exporter of such Rice shall make declaration before the Collector or Comptroller that the Rice so warehoused for exportation  
 5 was cleaned from the rough Rice or Paddy upon which the Duties had been so paid.

And be it Enacted, That it shall be lawful for the importer of any goods, subject to any Duties of Customs, to warehouse such goods  
 10 upon the first entry thereof, under the laws in force for the warehousing of goods, without payment of Duty upon such first entry, and that all goods which shall have been so warehoused before the commencement of any such Duties, and shall remain so warehoused after the commencement of the same, shall become liable to such Duties in lieu  
 15 of all former Duties.

And be it Enacted, That, for the purposes of this Act, the Cape of Good Hope, and the territories and dependencies thereof, shall be deemed to be within the limits of the East India Company's Charter, and the Island of Mauritius shall be deemed to be one of Her  
 20 Majesty's Sugar Colonies, and placed upon the same footing in all respects as Her Majesty's Islands in the West Indies.

And be it Enacted, that all goods the produce of places within the limits of the East India Company's Charter having been imported into Malta or Gibraltar from those places in British ships, shall, upon  
 25 subsequent importation into the United Kingdom direct from Malta or Gibraltar, be liable to the same Duties as the like goods would respectively be liable to if imported direct from some place within the limits of the said Charter.

AND whereas by the consolidation of the different branches of the public revenue, and of the several Duties payable on the importation  
 30 or exportation of goods, wares, and merchandise, and the appropriation thereof, as directed by the several Acts in force in England, the hereditary and temporary revenues of the Crown of subsidies of tonnage and poundage, and of other Duties upon goods, wares and merchandise arising in England, are not now kept distinct and separate at  
 35 the several offices, but have become blended with other Duties of Customs and Tonnage, both in the collection and appropriation thereof: AND whereas it is expedient that provision should be made for ascertaining the annual amount of what such hereditary revenues  
 40 would have produced in case the same had not been so consolidated, and that an account should hereafter be kept of such annual amount; BE it therefore Enacted, That from and after *the passing of this*

530.

A 4

*Act,*

17.  
Warehousing  
of Goods.

18.  
Cape of Good  
Hope deemed  
to be within  
limits of  
Charter;  
Mauritius as  
West Indies.

19.  
Produce of  
Limits of  
Charter  
imported from  
Malta or  
Gibraltar.

20.  
An account  
of the amount  
of hereditary  
Revenues of  
the Crown  
to be kept  
separate.

*Act*, the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any Three or more of them, shall cause to be prepared and kept an account of what such hereditary revenue arising in England would have amounted to in case the same had not been and was not consolidated and collected with other Duties of Customs and Tonnage, in the collection and appropriation thereof, in such manner and form as shall appear to the said Commissioners of Her Majesty's Treasury for the time being best adapted to ascertain such amount, which account the said Commissioners for the time being are hereby required to make out, or cause to be made out, and laid before Parliament, together with the public accounts directed to be laid before Parliament, pursuant to the provisions of the several Acts for directing public accounts to be laid annually before Parliament.

21.  
Not to affect  
the hereditary  
Revenue in  
Scotland.

Provided always, and be it Enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect or to alter the hereditary revenue of Her Majesty, Her heirs and successors, in Scotland or other revenues there granted to his late Majesty King GEORGE the Second, during his life, and reserved to Her present Majesty during her life, by an Act passed in the first year of Her present Majesty's reign, but the same, and the civil establishment payable out of the same, shall continue to be paid in like manner as heretofore, any thing in this Act contained to the contrary notwithstanding.

22.  
Duties to be  
paid into the  
Exchequer,  
and carried to  
the Consolidated Fund.

And be it Enacted, That all the monies arising by the Duties imposed by this Act (the necessary charges of raising and accounting for the same excepted), shall from time to time be paid into the receipt of Her Majesty's Exchequer in Great Britain, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, except only as by this Act is specially provided ; and shall be appropriated in like manner and to the same services as the Duties by this Act repealed would have been if this Act had not been passed.

23.  
Duties due  
before the  
passing of  
this Act, but  
levied after,  
to be deemed  
Duties under  
this Act, and  
appropriated  
as such.

And be it Enacted, That all Monies arising from any Duties of Customs, or any arrears thereof, shall be raised, levied, collected, paid or received from and after the passing of this Act, for or on account of any goods, wares or merchandize whatever imported or brought into the United Kingdom of Great Britain and Ireland, or exported from the said United Kingdom, although the amount of the said Duties may have been computed and ascertained as such Duties have been computed and ascertained before the passing of this Act, and although the goods, wares or merchandize whereon any such Duties of Customs may have been charged or may be charged, may have been imported into or exported from the United Kingdom before

before the passing of this Act; and although any Duties of Customs due and payable, or charged or chargeable thereon, may have been secured by bond or otherwise on or before the passing of this Act; and all such monies shall, from and after the passing of this

5 this Act, be appropriated and applied in like manner and to the same purposes, as the Duties of Customs by this Act granted are directed to be appropriated and applied, except as is in this Act provided, any Act or Acts of Parliament, law, usage or custom to the contrary notwithstanding; and that all monies arising by any of the revenues of Customs

10 hereafter to be paid or allowed, either upon bond or otherwise, either by way of drawback, bounty, certificate, premium or allowance, or by any other legal document whatever, from and after the passing of this Act, although the amount of the same shall have been computed and ascertained in like manner in which they have heretofore

15 been usually computed and ascertained, or shall have become due before the passing of this Act, shall and may be paid or allowed in like manner by the proper officer or officers of the Customs out of any monies in their hands arising from the Duties of Customs respectively.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

24.  
Act may be  
altered this  
Session.

**TO WHICH THE FOREGOING ACT REFERS.**

ARTICLES.	Rates of Duty.					
	Of or from Foreign Countries.			Of and from British Possessions.		
	£.	s.	d.	£.	s.	d.
AGATES, or Cornelians, not set - - - - -	Free			Free		
_____ set - - - for every 100 l. value	15	-	-	15	-	-
Ale and Beer, of all sorts - - - the barrel	2	-	-	2	-	-
Alganobilla Seed - - - - -	Free			Free		
Alkali - - - - -	_____			_____		
Alkanet Root - - - - -	_____			_____		
Almonds, not Jordan, nor bitter - - - the cwt.	-	10	-	-	10	-
_____ Jordan - - - the cwt.	1	5	-	1	5	-
_____ Bitter - - - - -	Free			Free		
_____ Paste of - - - for every 100 l. value	20	-	-	20	-	-
Aloes - - - - -	Free			Free		
Alum - - - - -	_____			_____		
_____ Rock - - - - -	_____			_____		
Amber, rough - - - - -	_____			_____		
_____ Manufactures of, not enumerated, for every 100 l. value	15	-	-	15	-	-
Ambergris - - - - -	Free			Free		
Amboyne Wood - - - - -	_____			_____		
Anchovies - - - - - the lb.	-	-	2	_____		
Angelica - - - - -	Free			Free		
Animals (living), viz.:						
_____ Asses - - - - - each	-	2	6	-	1	3
_____ Goats - - - - - each	-	1	-	-	-	6
_____ Kids - - - - - each	-	1	-	-	-	6
_____ Oxen and Bulls - - - each	1	-	-	-	10	-
_____ Cows - - - - - each	-	15	-	-	7	6
_____ Calves - - - - - each	-	10	-	-	5	-
_____ Horses, Mares, Geldings, Colts, Foals - - - each	1	-	-	-	10	-
_____ Mules - - - - - each	-	2	6	-	1	3
_____ Sheep - - - - - each	-	3	-	-	1	6
_____ Lambs - - - - - each	-	2	-	-	1	-
_____ Swine and Hogs - - - each	-	5	-	-	2	6
_____ Pigs (sucking) - - - each	-	2	-	-	1	-

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.					
	Of or from Foreign Countries.			Of and from British Possessions.		
	£.	s.	d.	£.	s.	d.
Annatto Roll and Flag - - - - -	Free			Free		
Antimony, viz.—Ore of - - - - -	—			—		
— Crude - - - - -	—			—		
— Regulus - - - - -	—			—		
Apples, Raw - - - - - the bushel	-	6		-	2	
— Dried - - - - - the bushel	-	2		-	2	
Aqua-fortis - - - - - the cwt.	-	5		-	5	
Argol - - - - -	Free			Free		
Aristolochia - - - - -	—			—		
Arrow Root - - - - - the cwt.	-	5		-	1	
Arsenic - - - - -	Free			Free		
Ashes, viz.—Pearl and Pot - - - - -	—			—		
— Soap, Weed and Wood - - - - -	—			—		
— not enumerated - - - - -	—			—		
Asphaltum or Bitumen Judaicum - - - - -	—			—		
Bacon - - - - - the cwt.	-	14		-	3	6
Balsams, unenumerated - - - - -	Free			Free		
Bandstring Twist, the dozen knots, each containing 32 yards - - - - -	-	5		-	2	6
Barilla - - - - -	Free			Free		
Bark - - - - -	—			—		
Bark, Extract of, or other vegetable substances to be used only for tanning Leather - - - - -	—			—		
Barley, Pearled - - - - - the cwt.	-	5		-	2	6
Barwood - - - - -	Free			Free		
Basket Rods, peeled and unpeeled - - - - -	—			—		
Baskets - - - - - for every 100 l. value	10			10		
Bast Ropes, Twines and Strands - - - - - the cwt.	-	5		-	2	6
Beads, viz.—						
— Arango - - - - - for every 100 l. of the value	15			15		
— Coral - - - - - for every 100 l. of the value	15			15		
— Crystal - - - - - the 1,000	-	5		-	5	
— Jet - - - - - for every 100 l. of the value	15			15		
— not otherwise enumerated or described, for every 100 l. of the value	15			15		
Beans, Kidney and French - - - - -	Free			Free		
Beef, Salted (not being Corned Beef) - - - - - the cwt.	-	8		-	2	
— Fresh, or slightly Salted - - - - - the cwt.	-	8		-	2	
Beef Wood - - - - -	Free			Free		
Beer or Mum - - - - - the barrel	2			2		
— Spruce - - - - - the barrel	1			1		
Berries, unenumerated - - - - -	Free			Free		
Birds, viz.—Singing Birds - - - - -	—			—		
Bitumen Judaicum - - - - -	—			—		
Blacking - - - - - the cwt.	1			1		
Black Wood - - - - -	Free			Free		
Bladders - - - - -	—			—		
Bones of Cattle and other Animals, and of Fish (except Whale Fins), whether Burnt or not, or as Animal Charcoal - - - - -	—			—		
Books, viz.—being of editions printed prior to the year 1801, bound or unbound - - - - - the cwt.	1			1		
— being of editions printed in or since the year 1801, bound or unbound - - - - - the cwt.	5			5		

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Books, viz.—being of editions in the Foreign Living Languages, printed in or since the year 1801, bound and unbound - - - - - the cwt.	2 10 -	2 10 -
Boracic Acid - - - - -	Free	Free
Borax, refined - - - - -	—	—
Borax or Tincal, unrefined - - - - -	—	—
Bottles, of Earth and Stone, empty - - - the dozen	- - 2	- - 2
— full - - - - -	Free	Free
— Flasks in which Olive Oil is imported - - -	—	—
Boxes of all sorts, excepting those made wholly or partly of Glass, on which the proper Glass Duty will be levied - - - - - for every 100 <i>l.</i> value	10 - -	5 - -
Box Wood - - - - -	Free	Free
Brass, Manufactures of - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
— Powder of - - - - - the lb.	- - 6	- - 6
Brazil Wood - - - - -	Free	Free
Brazillito Wood - - - - -	—	—
Bricks or Clinkers (Dutch) - - - - - the 1,000	- 10 -	- 5 -
— other sorts - - - - - the 1,000	- 15 -	- 7 6
Brimstone - - - - -	Free	Free
— Refined, in Rolls - - - - -	—	—
— in Flour - - - - -	—	—
Bristles, Rough or in any way Sorted - - - - -	—	—
Brocade of Gold or Silver - - - - - for every 100 <i>l.</i> value	20 - -	20 - -
Bronze, all Works of Art - - - - -	Free	Free
— other manufactures of - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
— Powder - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
Bullion and Foreign Coin, of Gold or Silver, and Ore of Gold or Silver, or of which the Major part in value is Gold or Silver - - - - -	Free	Free
Bull Rushes - - - - -	—	—
Butter - - - - - the cwt.	1 - -	- 5 -
Buttons (metal) - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
Cables (not being Iron Cables), tarred or untarred, the cwt.	- 6 -	- 3 -
— not being Iron Cables, in actual use of a British Ship, and being fit and necessary for such Ship, and not, or until otherwise disposed of - - - - -	Free	Free
— if and when otherwise disposed of, for every 100 <i>l.</i> value	10 - -	5 - -
Camomile Flowers - - - - -	Free	Free
Camphor, Unrefined - - - - -	—	—
— Refined - - - - - the cwt.	- 5 -	- 5 -
Camwood - - - - -	Free	Free
Candles, viz.—Spermaceti - - - - - the lb.	- - 6	- - 6
— Stearine - - - - - the lb.	- - 2½	- - 2½
— Tallow - - - - - the cwt.	- 10 -	- 10 -
— Wax - - - - - the lb.	- - 4	- - 4
Candlewick - - - - -	Free	Free
Canella Alba - - - - -	—	—
Canes, viz.—Bamboo - - - - -	—	—
— Rattans, not ground - - - - -	—	—
— Reed Canes - - - - -	—	—
— Walking Canes or Sticks mounted, painted or otherwise ornamented - - - - - for every 100 <i>l.</i> value	20 - -	20 - -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Canes or Sticks, unenumerated	Free	Free
Cantharides - - - - - the lb.	- - 3	- - 3
Caoutchouc - - - - -	Free	Free
Capers, including the pickle - - - the lb.	- - 6	- - 3
Cardamoms - - - - -	Free	Free
Cards, viz.—Playing Cards - - - the dozen packs	4 - -	4 - -
Carmine - - - - - the oz.	- - 6	- - 6
Carriages of all sorts - - - for every 100 <i>l.</i> value	20 - -	20 - -
Casks (empty) - - - - - for every 100 <i>l.</i> value	25 - -	25 - -
Cassava Powder - - - - - the cwt.	- 5 -	- 1 -
Cassia, viz.—Buds - - - - -	Free	Free
—Fistula - - - - -	—	—
—Lignea - - - - - the lb.	- - 3	- - 1
Castor - - - - -	Free	Free
Casts of Busts, Statues or Figures - - - the cwt.	- 2 6	- 2 6
Catlings - - - the gross, containing 12 dozen knots	- 3 -	- 3 -
Caviare - - - - - the cwt.	- 5 -	- 5 -
Cedar Wood - - - - -	Free	Free
Chalk, viz.—unmanufactured - - -	—	—
—prepared or manufactured, and not otherwise enumerated - - - for every 100 <i>l.</i> value	10 - -	5 - -
Cheese - - - - - the cwt.	- 10 6	- 2 6
Cherries, raw - - - - - for every 100 <i>l.</i> value	5 - -	5 - -
—dried - - - - - the lb.	- - 6	- - 6
Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, viz.—		
—Roasted or ground - - - - - the lb.	- - 6	- - 6
—Raw or kiln-dried - - - - - the cwt.	1 - -	1 - -
China Root - - - - -	Free	Free
China or Porcelain Ware, plain - - - for every 100 <i>l.</i> value	15 - -	15 - -
—painted, gilt, ornamented - - - for every 100 <i>l.</i> value	20 - -	20 - -
Chip, or Willow for Plating - - - - -	Free	Free
Cider - - - - - the tun	10 10 -	10 10 -
Cinnabaris Nativa - - - - -	Free	Free
Cinnamon - - - - - the lb.	- - 6	- - 3
Citrat of Lime - - - - -	Free	Free
Citric Acid - - - - -	—	—
Citron, preserved with Salt - - - for every 100 <i>l.</i> value	10 - -	10 - -
Civet - - - - -	Free	Free
Clocks - - - - - for every 100 <i>l.</i> value	20 - -	20 - -
—or Watches of any metal, impressed with any mark or Stamp appearing to be, or to represent any legal British Assay mark or stamp, or purporting, by any mark or appearance, to be of the manufacture of the United Kingdom - - -	Prohibited	Prohibited
Cloves - - - - - the lb.	- - 6	- - 6
Coals, Culm or Cinders - - - - -	Free	Free
Cobalt - - - - -	—	—
—Ore - - - - -	—	—
Cochineal and Granilla - - - - -	—	—
—Dust - - - - -	—	—
Cocoa - - - - - the lb.	- - 2	- - 1
—Husks and Shell - - - - - the lb.	- - 1	- - $\frac{1}{4}$
—Paste, or Chocolate - - - - - the lb.	- - 6	- - 2
Coculus Indicus - - - - - the cwt.	- 7 6	- 7 6

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
Coffee - - - - - the lb.	£. s. d. - - 6	£. s. d. - - 4
Coir, Rope, Twine and Strands - - - the cwt.	- 2 6	- 1 3
— Rope and Junk, old and new, cut into lengths, not exceeding 3 feet each - - - - -	Free	Free
Colocynth - - - - -	—	—
Columba Root - - - - -	—	—
Comfits, dry - - - - - the lb.	- - 6	- - 3
Confectionery - - - - - the lb.	- - 6	- - 6
Copper, Ore of, viz.—containing not more than 15 parts of Copper in 100 parts of Ore - - - per ton of metal	3 - -	1 - -
— containing not more than 20 parts of Copper in 100 parts of Ore - - - per ton of metal	4 10 -	1 - -
— containing more than 20 parts of Copper in 100 parts of Ore - - - per ton of metal	6 - -	1 - -
— Old, fit only to be remanufactured - - the cwt.	- 7 6	- 3 6
— unwrought, viz.—in Bricks or Pigs, Rose Copper, and all Cast Copper - - - the cwt.	- 8 9	- 4 -
— in part wrought, viz.,—Bars, Rods or Ingots, hammered or raised - - - the cwt.	- 10 -	- 5 -
— in Plates and Copper Coin - - - the cwt.	- 10 -	- 5 -
— Manufactures of Copper, not otherwise enumerated or described, and Copper Plates engraved, for every 100 l. value	15 - -	15 - -
— Copper or Brass Wire - - - for every 100 l. value	12 10 -	12 10 -
Copperas, Blue - - - - -	Free	Free
— Green - - - - -	—	—
— White - - - - -	—	—
Coral, viz.—in fragments - - - - -	—	—
— whole, polished - - - - -	—	—
— unpolished - - - - -	—	—
Cordage, tarred or untarred (standing or running rigging in use excepted) - - - the cwt.	- 6 -	- 3 -
— in actual use of a British Ship, and being fit and necessary for such Ship, and not or until otherwise disposed of - - - - -	Free	Free
— if, and when otherwise disposed of, for every 100 l. value	5 - -	2 10 -
Cork - - - - -	Free	Free
Corks, ready made - - - - - the lb.	- - 8	- - 8
— squared for rounding - - - - - the cwt.	- 16 -	- 16 -
— Fishermen's - - - - - the cwt.	- 2 -	- 2 -
Cotton, manufactures of - - - for every 100 l. value	10 - -	5 - -
— Yarn - - - - -	Free	Free
— Articles or manufactures of Cotton, wholly or in part made up, not otherwise charged with duty, for every 100 l. value	20 - -	10 - -
Cranberries - - - - - the gallon	- - 1	- - 1
Crayons - - - - - for every 100 l. value	15 - -	15 - -
Cream of Tartar - - - - -	Free	Free
Crystal, viz.—rough - - - - -	—	—
— cut or manufactured, except Beads, for every 100 l. value	15 - -	15 - -
Cubebs - - - - -	Free	Free
Cucumbers, viz.—preserved - - - for every 100 l. value	10 - -	5 - -
Currants - - - - - the cwt.	- 15 -	- 15 -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Cutch - - - - -	Free	Free
Dates - - - - - the cwt.	- 10 -	- 10 -
Diamonds - - - - -	Free	Free
Dice - - - - - the pair	1 6 2	1 6 2
Divi Divi - - - - -	Free	Free
Down - - - - -	—	—
Drugs, not enumerated - - - - -	—	—
Earthenware, not otherwise enumerated or described, for every 100 l. value	10 - -	10 - -
Ebo - - - - -	Free	Free
Eggs - - - - - the 120	- - 10	- - 2½
Embroidery and Needlework - - - for every 100 l. value	20 - -	20 - -
Enamel - - - - - the lb.	- 2 -	- 2 -
Essences not otherwise described, viz.		
Extract of Cardamoms - - - for every 100 l. value	20 - -	20 - -
— Coculus Indicus - - - for every 100 l. value	20 - -	20 - -
— Guinea Grains of Paradise - - for every 100 l. value	20 - -	20 - -
— Licorice - - - for every 100 l. value	20 - -	20 - -
— Nux Vomica - - - for every 100 l. value	20 - -	20 - -
— Opium - - - for every 100 l. value	20 - -	20 - -
— Guinea Pepper - - - for every 100 l. value	20 - -	20 - -
— Peruvian or Jesuit's Bark - - for every 100 l. value	20 - -	20 - -
— Quassia - - - for every 100 l. value	20 - -	20 - -
— Radix Rhatanæ - - - for every 100 l. value	20 - -	20 - -
— Vitriol - - - for every 100 l. value	20 - -	20 - -
Extract or preparation of any Article, not being particularly enumerated or described, nor otherwise charged with duty, for every 100 l. value	20 - -	20 - -
Or, and in lieu of the above Duty, at the option of the Importer - - - the lb.	- 5 -	- 5 -
Essence of Spruce - - - for every 100 l. value	10 - -	10 - -
Feathers for Beds, in Beds or otherwise - - -	Free	Free
— Ostrich, dressed - - - the lb.	1 10 -	1 10 -
— undressed - - -	Free	Free
— not otherwise enumerated or described, viz.—		
— dressed - - - for every 100 l. value	10 - -	10 - -
— undressed - - -	Free	Free
— Paddy Bird - - - the lb.	- 1 -	- 1 -
— undressed - - -	Free	Free
Figs - - - - - the cwt.	- 15 -	- 15 -
Fish, viz.—Eels - - - the ship's lading	13 - -	
— Lobsters - - -	Free	
— Turbots - - - the cwt.	- 5 -	
— of Foreign taking imported from Foreign Places, in other than Fishing Vessels, viz.—		
— Oysters - - - the bushel	- 1 6	
— Salmon - - - the cwt.	10 -	
— Soles - - - the cwt.	- 5 -	
— Turtle - - - the cwt.	- 5 -	
— Fresh, not otherwise enumerated - - - the cwt.	- 1 -	
— Cured, not otherwise enumerated - - - the cwt.	- 2 -	
— of British taking fresh or cured - - -	Free	Free

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possession.
	£. s. d.	£. s. d.
Flasks in which Olive Oil is imported - - - -	Free	Free
Flax and Tow or Codilla of Hemp or Flax, whether dressed or undressed - - - - -	—	—
Flocks - - - - -	—	—
Flower Roots - - - - -	—	—
Flowers, Artificial, not made of silk, for every 100 l. value -	25 - -	25 - -
Frames for Pictures, Prints or Drawings, for every 100 l. value	10 - -	10 - -
Fruit, viz.—Raw, and not otherwise enumerated, for every 100 l. value	5 - -	5 - -
Fustic - - - - -	Free	Free
Gallic Powder - - - - -	—	—
Galls - - - - -	—	—
Gamboge - - - - -	—	—
Garnets, cut, uncut, not set - - - - -	—	—
Garancine - - - - -	—	—
Gauze of Thread - - - - - for every 100 l. value	15 - -	7 10 -
Gelantine - - - - - the cwt.	- 10 -	- 10 -
Gentian - - - - -	Free	Free
Ginger - - - - - the cwt.	- 10 -	- 5 -
— preserved - - - - - the lb.	- - 6	- - 1
Ginseng - - - - -	Free	Free
Until the 10th day of October 1846, the following Duties of Customs :—		
Glass, viz.—Any kind of Window Glass, white or stained of one colour only, not exceeding one-ninth of an inch in thickness, and shades and cylinders - - the cwt.	- 14 -	- 14 -
— all Glass exceeding one-ninth of an inch in thickness ; all silvered or polished Glass of whatever thickness, however small each Pane, Plate or Sheet, superficial measure ; viz.		
— not exceeding more than nine square feet, the square foot	- 1 -	- 1 -
— containing more than nine square feet, and not more than fourteen square feet - the square foot	- 2 -	- 2 -
— containing more than fourteen square feet, and not more than thirty-six square feet - the square foot	- 2 6	- 2 6 :
— containing more than thirty-six square feet, the square foot	- 3 -	- 3 -
— painted or otherwise ornamented - the superficial foot	- 3 -	- 3 -
— all White Flint Glass Bottles, not cut, engraved or other- wise ornamented, and Beads and Bugles of Glass, the lb.	- - 2	- - 2
— Wine Glasses, Tumblers and all other White Flint Glass Goods not cut, engraved or otherwise orna- mented - the lb.	- - 4	- - 4
— all Flint Cut Glass, Flint coloured Glass and fancy orna- mental Glass, of whatever kind - the lb.	- - 8	- - 8

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Glass, viz.—Bottles of Glass covered with wicker (not being Flint or Cut Glass), or of Green or common Glass, the cwt.	- 3 -	- 3 -
— manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be remanufactured, the cwt.	- 14 -	- 14 -
And from and after the 10th day of October 1846, until the 5th day of April 1848, there shall be charged on the said Article One-half of the said Duties; and from and after the 5th day of April 1848, One-fourth of the said Duties.		
Glue - - - - - the cwt.	- 3 -	- 3 -
— Clippings or waste of any kind, fit only for Glue - -	Free	Free
Gold, Leaves of - - - - - the 100	- 3 -	- 3 -
Grains, Guinea and Paradise - - - - - the cwt.	- 15 -	- 15 -
Grapes - - - - - for every 100 l. value	5 - -	5 - -
Grease - - - - -	Free	Free
Greaves, for Dogs - - - - -	—	—
— Tallow - - - - -	—	—
Guano - - - - -	—	—
Gum, unenumerated - - - - -	—	—
Gunpowder - - - - - the cwt.	1 - -	1 - -
Gun Stocks in the rough of Wood - - - - -	Free	Free
Gypsum - - - - -	—	—
Hair, viz.—Camel's Hair or Wool - - - - -	—	—
— Cow, Ox, Bull or Elk Hair - - - - -	—	—
— Goat's Hair or Wool - - - - -	—	—
— Horse Hair - - - - -	—	—
— Human - - - - -	—	—
— Unenumerated - - - - -	—	—
— Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other material, and articles of such manufacture wholly or in part made up, not particularly enumerated or otherwise charged with Duty - - - - - for every 100 l. value	15 - -	7 10 -
Hams of all kinds - - - - - the cwt.	- 14 -	- 3 6
Harp Strings, or Lute Strings silvered, for every 100 l. value	20 - -	20 - -
Hats or Bonnets, viz.—of Chip - - - - - the lb.	- 5 -	- 5 -
— Bast, Cane or Horse Hair Hats or Bonnets, each Hat or Bonnet not exceeding 22 in- ches in diameter - - - - - the dozen	- 10 -	- 10 -
— each Hat or Bonnet exceeding 22 inches in diameter - - - - - the dozen	- 15 -	- 15 -
— Straw Hats or Bonnets - - - - - the lb.	- 8 6	- 8 6

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.					
	Of or from Foreign Countries.			Of and from British Possessions.		
	£.	s.	d.	£.	s.	d.
Hats, Felt, Hair, Wool, or Beaver Hats - - - each	-	2	6	-	2	6
— made of Silk, Silk Shag laid upon Felt, Linen or other material - - - - - each	-	3	6	-	3	6
Hay - - - - - the load	-	16	-	-	8	-
Heath, for Brushes - - - - -	Free			Free		
Hellebore - - - - -	—			—		
Hemp, dressed - - - - -	—			—		
— rough or undressed, or any other vegetable substance of the nature and quality of undressed Hemp, and applicable to the same purpose - - - - -	—			—		
Hides, not tanned, tawed, curried or in any way dressed, dry and wet - - - - -	—			—		
— tawed, curried or in any way dressed, not being varnished, japanned or enamelled - - the lb.	-	-	4	-	-	2
— if varnished, japanned or enamelled - - the lb.	-	-	6	-	-	3
— Losh Hides - - - - -	Free			Free		
— Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved or otherwise dressed - the lb.	-	-	4	-	-	2
— Hides or Pieces thereof, raw or undressed, unenumerated ———, tawed, curried or in any way dressed, not otherwise enumerated,	Free			Free		
— Tails, Buffalo, Bull, Cow or Ox for every 100 l. value	10	-	-	5	-	-
— Hides tanned, not otherwise dressed - - - - -	Free			Free		
Hones - - - - -	—			—		
Honey - - - - - the cwt.	-	10	-	-	5	-
Hoofs of Cattle - - - - -	Free			Free		
Hoops of Wood - - - - -	—			—		
Hops - - - - - the cwt.	4	10	-	4	10	-
Horns, Horn Tips, and pieces of Horn - - - - -	Free			Free		
Indigo - - - - -	—			—		
Ink, for Printers - - - - - the cwt.	-	10	-	-	10	-
Inkle, unwrought - - - - -	Free			Free		
— wrought - - - - - the lb.	-	1	-	-	-	6
Iron, Ore of - - - - -	Free			Free		
— Pig - - - - -	—			—		
— Bars, unwrought - - - - -	—			—		
— Old broken and cast Iron - - - - -	—			—		
— and Steel, wrought, not otherwise enumerated, for every 100 l. value	15	-	-	15	-	-
— Bloom - - - - -	Free			Free		
— Chromate of - - - - -	—			—		
— Slit or hammered into rods - - - - -	—			—		
— Cast - - - - -	—			—		
— Hoops - - - - -	—			—		
Isinglass - - - - - the cwt.	-	5	-	-	5	-

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
Jalap - - - - -	£. s. d. Free	£. s. d. Free
Japanned or Lacquered Ware - - - every 100 l. value	15 - -	15 - -
Jet - - - - -	Free	Free
Jewels, Emeralds and all other precious Stones, viz.— — unset - - - - -	—	—
— set - - - - - for every 100 l. value	10 - -	10 - -
Juice of Lemons, Limes or Oranges - - - - -	Free	Free
Kingwood - - - - -	—	—
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom - - - - -	—	—
Lac, viz.—Stick Lac - - - - -	—	—
Lace, viz.—Thread - - - - - for every 100 l. value	12 10 -	12 10 -
— made by the hand, commonly called Cushion or Pillow Lace, whether of Linen, Cotton or Silken Thread, for every 100 l. value	12 10 -	12 10 -
Lamp Black - - - - - the cwt.	1 - -	1 - -
Lapis Calaminaris - - - - -	Free	Free
Lard - - - - -	—	—
Latten - - - - -	—	—
— Shaven - - - - -	—	—
— Wire - - - - - for every 100 l. value	12 10 -	12 10 -
Lavendar Flowers - - - - -	Free	Free
Lead, Ore of - - - - -	—	—
— Black - - - - -	—	—
— Pig and Sheet - - - - - the ton	1 - -	5 - -
— Red - - - - -	Free	Free
— White - - - - -	—	—
— Chromate of - - - - -	—	—
— Manufactures of, not otherwise enumerated, for every 100 l. value	15 - -	15 - -
Leather Manufactures, viz. Boots, Shoes and Calashes, viz.— — Women's Boots and Calashes - the dozen pairs	- 12 -	- 12 -
— if lined or trimmed with fur or other trim- ming - - - - - the dozen pairs	- 15 -	- 15 -
— Shoes with cork or double soles, quilted Shoes and Clogs - - - the dozen pairs	- 10 -	- 10 -
— if trimmed or lined with fur or any other trimming - - - the dozen pairs	- 12 -	- 12 -
— Women's Shoes of silk, satin, jean or other stuffs, kid, morocco or other leather - the dozen pairs	- 9 -	- 9 -
— if trimmed or lined with fur or any other trimming - - - the dozen pairs	- 10 -	- 10 -
— Girls' Boots, Shoes and Calashes, not exceeding seven inches in length, to be charged with two-thirds of the above duties.	—	—
— Men's Boots - - - - - the dozen pairs	1 8 -	1 8 -
— Shoes - - - - - the dozen pairs	- 14 -	- 14 -
— Boys' Boots and Shoes, not exceeding seven inches in length, to be charged with two-thirds of the above duties.	—	—
— Boot Fronts, not exceeding nine inches in height, the dozen pairs	- 3 6	- 3 6

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Leather, Boot Fronts, exceeding nine inches in height, the dozen pairs	- 5 6	- 5 6
———— cut into shapes, or any article made of Leather, or any manufacture whereof Leather is the most valuable part, not otherwise enumerated or described, for every 100 <i>l.</i> value	15 - -	15 - -
———— Gloves of Leather, viz.—		
———— Habit Mitts - - - - - the dozen pairs	- 2 4	- 2 4
———— Gloves - - - - - the dozen pairs	- 3 6	- 3 6
———— Men's Gloves - - - - - the dozen pairs	- 3 6	- 3 6
———— Women's Gloves or Mitts - - - the dozen pairs	- 4 6	- 4 6
Leaves of Roses - - - - -	Free	Free
Leeches - - - - -	—	—
Lentils - - - - -	—	—
Lignum Vitæ - - - - -	—	—
Linen, or Linen and Cotton, viz.—Cambrics and Lawns, com- monly called French Lawns, the piece not exceeding eight yards in length, and not exceeding seven-eighths of a yard in breadth, and so in proportion for any greater or less quantity.		
———— Plain - - - - - the piece	- 5 -	- 5 -
———— Bordered Handkerchiefs - - - the piece	- 5 -	- 5 -
———— Lawns of any sort, not French, for every 100 <i>l.</i> value	15 - -	15 - -
———— Damasks - - - - - the square yard	- - 10	- - 10
———— Damask Diaper - - - - - the square yard	- - 5	- - 5
———— Plain Linens and Diaper, not otherwise enumerated or described, and whether chequered or striped with Dye Yarn or not - - - for every 100 <i>l.</i> value	15 - -	15 - -
———— Sails - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
———— in actual use of a British ship, and fit and nec- essary for such ship, and not otherwise dis- posed of - - - - -	Free	Free
———— Sails if, and when otherwise disposed of, for every 100 <i>l.</i> value	15 - -	15 - -
———— Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or other- wise charged with duty - for every 100 <i>l.</i> value	15 - -	15 - -
Liquorice Roots - - - - - the cwt.	1 - -	- 10 -
———— Paste - - - - - the cwt.	1 - -	- 10 -
———— Juice - - - - - the cwt.	1 7 6	- 10 -
———— Powder - - - - - the cwt.	1 15 -	- 15 -
Litharge - - - - -	Free	Free
Live Creatures, illustrative of Natural History - - -	—	—
Logwood - - - - -	—	—
Maccaroni and Vermicelli - - - - - the lb.	- - 1	- - 1
Mace - - - - - the lb.	- 2 6	- 2 6
Madder - - - - -	Free	Free
———— Root - - - - -	—	—
Magna Græcia Ware - - - - - for every 100 <i>l.</i> value	5 - -	5 - -
Mahogany - - - - -	Free	Free
Manganese Ore - - - - -	—	—
Manna - - - - -	—	—

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.					
	Of or from Foreign Countries.			Of and from British Possessions.		
	£.	s.	d.	£.	s.	d.
Manures not enumerated - - - - -	Free			Free		
Manuscripts - - - - - the lb.	-	2		-	2	
Maps or Charts, or parts thereof, plain or coloured - each	-	1		-	1	
Maple Wood - - - - -	Free			Free		
Marmalade - - - - - the lb.	-	6		-	1	
Mats and Matting - - - - - for every 100 l. value	5	-		2	10	-
Mattresses - - - - - for every 100 l. value	10	-		10	-	
Mead - - - - - the gallon	-	5	6	-	5	6
Meat, Salted or Fresh, not otherwise described - the cwt.	-	8	-	-	2	-
Medals of Gold or Silver - - - - -	Free			Free		
— of any sort - - - - - for every 100 l. value	5	-		5	-	
Medlars - - - - - the bushel	-	1		-	6	
Mercury, prepared - - - - - for every 100 l. value	10	-		10	-	
Metal, viz. Bell - - - - -	Free			Free		
— Leaf (except Leaf Gold), the packet containing 250 leaves	-	1		-	1	
Mill Boards - - - - - the cwt.	1	10	-	1	10	-
Minerals and Fossils, unenumerated - - - - -	Free			Free		
Models of Cork or Wood - - - - -	-	5	-	-	5	-
Morphia, and its salts - - - - -	Free			Free		
Moss, viz. Lichen Islandicus - - - - -	Free			Free		
— Rock, for Dyers' use - - - - -	—			—		
— other than Rock or Iceland Moss - - - - -	—			—		
Mother-o'-Pearl Shells - - - - -	—			—		
Musical Instruments - - - - - for every 100 l. value	15	-		15	-	
Musk - - - - -	Free			Free		
Mustard Flour - - - - - the cwt.	-	12	-	-	12	-
Myrobolane Berries - - - - -	Free			Free		
Myrrh - - - - -	—			—		
Nicaragua Wood - - - - -	—			—		
Nitre, viz. Cubic Nitre - - - - -	—			—		
Nickel, Ore of - - - - -	—			—		
— Metallic and Oxide of, refined - - - - -	—			—		
— Arseniate of, in lumps or powder, being in an unre- fined state - - - - -	—			—		
Nutmegs - - - - - the lb.	-	3	6	-	2	6
— wild, in the shell - - - - - the lb.	-	3		-	3	
Nuts, viz. Chesnuts - - - - -	Free			Free		
— Coco Nuts - - - - -	—			—		
— Pistachio Nuts - - - - -	—			—		
— Small Nuts - - - - - the bushel	-	2	-	-	2	-
— Walnuts - - - - - the bushel	-	2	-	-	2	-
— Nuts and Kernals unenumerated - - - - -	Free			Free		
— Nuts and Kernals of Walnuts, of Peach Stones, and all Nuts and Kernals unenumerated, commonly used for expressing Oil therefrom - - - - -	—			—		
Nux Vomica - - - - - the cwt.	-	5	-	-	5	-
Oakum - - - - -	Free			Free		
Ochre - - - - -	—			—		
Oil of Almonds - - - - - the lb.	-	2		-	2	
— Bays - - - - - the lb.	-	2		-	2	
— Animal - - - - -	Free			Free		
— Castor - - - - -	—			—		

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.					
	Of or from Foreign Countries.			Of and from British Possessions.		
	£.	s.	d.	£.	s.	d.
Oil, Chemical Essential or Perfumed - - - the lb.	-	1	-	-	1	-
— of Cloves - - - - - the lb.	-	3	-	-	3	-
— Lard - - - - -	Free			Free		
— Cocoa Nut - - - - -	—			—		
— Linseed - - - - -	—			—		
— Hempseed and Rapeseed - - - - -	—			—		
— Olive - - - - -	—			—		
— Palm - - - - -	—			—		
— Paran - - - - -	—			—		
— Rock - - - - -	—			—		
— Seed, unenumerated - - - - -	—			—		
— Train, Blubber, and Spermaceti, Oil and Head Matter, the produce of fish or creatures living in the sea, caught by the crews of British vessels, and imported direct from the fishery, or from any British Possession, in a British vessel - - - - -	—			—		
— Train and Blubber, the produce of fish or creatures living in the sea, of Foreign fishing - - - the tun	6	-	-	—		
— Train Oil or Blubber of Foreign fishing, from and after 1st January 1847 - - - - - the tun	Free			—		
— Spermaceti of Foreign fishing - - - - -	15	-	-	—		
— from and after 1st January 1849	Free			—		
— Walnut - - - - -	—			—		
— or Spirit of Turpentine - - - - - the cwt.	-	5	-	-	2	6
— not particularly enumerated or described, nor otherwise charged with Duty - - - - -	Free			Free		
— Seed Cake - - - - -	—			—		
Olibanum - - - - -	—			—		
Olives - - - - - the gallon	-	2	-	-	2	-
Olive Wood - - - - -	Free			Free		
Onions - - - - - the bushel	-	6	-	-	3	-
Opium - - - - - the lb.	-	1	-	-	1	-
Orange Flower Water - - - - - the lb.	-	1	-	-	1	-
Oranges and Lemons, viz. In chests and boxes not exceeding 5,000 cubic inches - - - - - the box	-	2	6	-	2	6
— Over 5,000 cubic inches, and not exceeding 7,300, the box	-	3	9	-	3	9
— Over 7,300 cubic inches, and not exceeding 14,000, the box	-	7	6	-	7	6
— For every 1,000 cubic inches exceeding 1,400 -	-	7½	-	-	7½	-
— Loose - - - - - the 1,000	-	15	-	-	15	-
— Entered at value, at the option of the importer, for every 100 <i>l.</i> value	75	-	-	75	-	-
— Peel - - - - -	Free			Free		
Orchal - - - - -	—			—		
Ore, unenumerated - - - - -	—			—		
Orpiment - - - - -	—			—		
Orris Root - - - - -	—			—		
Orsedew - - - - - the cwt.	-	10	-	-	10	-
Painters' Colours, unenumerated.						
— unmanufactured - - - - -	Free			Free		
— manufactured - - - for every 100 <i>l.</i> value	10	-	-	10	-	-

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Palmetto Thatch - - - - -	Free	Free
— manufactures of ditto, for every 100 l. value	- - -	5 - -
Paper, viz.—Brown, made of old Rope or Cordage, only, without separating or extracting the Pitch or Tar there- from, and without any mixture of other material therewith, the lb.	- - 3	- - 3
— Printed, Painted or Stained Paper, or Paper Hangings, or Flock Paper - - - - - the square yard	- 1 -	- 1 -
— Waste, unless printed on in the English language, or Paper of any other sort, not particularly enumerated or described, nor otherwise charged with Duty, the lb.	- - 4½	- - 4½
— Printed on in the English language - - - - -	Prohibited	Prohibited
Parchment - - - - - the dozen sheets	- 6 -	- 6 -
Pasteboards - - - - - the cwt.	1 10 -	1 10 -
Pearls - - - - -	Free	Free
Pears, raw - - - - - the bushel	- - 6	- - 3
— dried - - - - - the bushel	- 2 -	- 2 -
Pencils - - - - - for every 100 l. value	15 - -	15 - -
— of Slate - - - - - for every 100 l. value	15 - -	15 - -
Pens - - - - - for every 100 l. value	15 - -	15 - -
Pepper of all sorts - - - - - the lb.	- - 6	- - 6
Percussion Caps - - - - - the 1,000	- - 4	- - 4
Perfumery, not otherwise charged - for every 100 l. value	20 - -	20 - -
Perry - - - - - the tun	10 10 -	10 10 -
Pewter, manufactures of - - - - - for every 100 l. value	15 - -	15 - -
Phosphorus - - - - - for every 100 l. value	10 - -	10 - -
Pickles preserved in Vinegar - - - - - the gallon	- - 4	- - 4
— or Vegetables preserved in Salt, for every 100 l. value	5 - -	5 - -
Pictures - - - - - each	- 1 -	- 1 -
— and further - - - - - the square foot	- 1 -	- 1 -
— above 200 square feet - - - - - each	10 - -	10 - -
Pimento - - - - - the cwt.	- 5 -	- 5 -
Pink Root - - - - -	Free	Free
Pitch - - - - -	—	—
— Burgundy - - - - -	—	—
Plantains - - - - - the cwt.	- - 2	- - 2
Plants, Shrubs and Trees, alive - - - - -	Free	Free
Plaster of Paris - - - - -	—	—
Plate of Gold - - - - - for every 100 l. value	10 - -	10 - -
— Silver, gilt and ungilt - - - - - for every 100 l. value	together with the Stamp Duty. 10 - -	together with the Stamp Duty. 10 - -
— Plate, battered - - - - -	Free	Free
— Wire, gilt or plated - - - - - for every 100 l. value	12 10 -	12 10 -
— Silver - - - - - for every 100 l. value	12 10 -	12 10 -
Platina, and Ore of - - - - -	Free	Free
Platting, or other manufactures to be used in, or proper for making Hats or Bonnets, viz.—		
— of Bast, Cane or Horse Hair - - - - - the lb.	- 10 -	- 10 -
— of Chip - - - - -	Free	Free
Platting of Straw - - - - -	- 7 6	- 7 6
Plums, dried or preserved - - - - - the cwt.	1 7 6	1 7 6
— commonly called French Plums and Prunelloes, the cwt.	1 - -	1 - -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Plums, preserved in Sugar - - - - - the lb.	- - 6	- - 6
Pomatum - - - - - for every 100 <i>l.</i> value	20 - -	20 - -
Pomegranates - - - - - the 1,000	- 5 -	- 5 -
Peel of - - - - -	Free	Free
Pork, salted (not Hams) - - - - - the cwt.	- 8 -	- 2 -
— Fresh - - - - - the cwt.	- 8 -	- 2 -
Potatoes - - - - - the cwt.	- - 2	- - 1
Pots, viz.—Melting for Goldsmiths - - - - - the 100	- 3 2	- 3 2
— of stone - - - - - for every 100 <i>l.</i> value	20 - -	20 - -
Powder, viz.—Hair - - - - - the cwt.	1 - -	1 - -
— Perfumed - - - - - the cwt.	1 - -	1 - -
— not otherwise enumerated or described, that will serve for the same use as Starch - - - - - the cwt.	- 10 -	- 10 -
Poultry - - - - - for every 100 <i>l.</i> value	5 - -	2 10 -
Prints and Drawings, plain or coloured, single - - each	- - 1	- - 1
— bound or sewn - - - - - the dozen	- - 3	- - 3
Prunes - - - - - the cwt.	- 7 -	- 7 -
Prussiate of Potash - - - - -	Free	Free
Puddings and Sausages - - - - - the lb.	- 3	- - 1
Quassia - - - - - the cwt.	- 10 -	- 10 -
Quicksilver - - - - -	Free	Free
Quills, viz.—Goose - - - - -	—	—
— Swan - - - - -	—	—
Quinces - - - - - the 1,000	- 1 -	- 1 -
Quinine, Sulphate of - - - - - the oz.	- - 6	- - 6
Radix, viz.—Contrayervæ - - - - -	Free	Free
— Enulæ Companæ - - - - -	—	—
— Eringii - - - - -	—	—
— Ipecacuanhæ - - - - -	—	—
— Rhatanïæ - - - - -	—	—
— Senekæ - - - - -	—	—
— Serpentariæ, or Snake Root - - - - -	—	—
Rags, viz.—Old Rags, old Junk, or Ropes, or old Fishing Nets, fit only for making Paper or Pasteboard - - -	—	—
— Pulps of Rags - - - - -	—	—
— old Woollen - - - - -	—	—
Raisins - - - - - the cwt.	- 15 -	- 7 6
Rape of Grapes - - - - -	Free	Free
Red Wood or Guinea Wood - - - - -	—	—
Rhubarb - - - - -	—	—
Rice, viz.—not rough nor in the husk - - - - - the cwt.	- 6 -	- - 6
— rough and in the husk - - - - - the quarter	- 7 -	- - 1
Rosewood - - - - -	Free	Free
Rosin - - - - -	—	—
Saccharum Saturni - - - - - the cwt.	- 10 -	- 10 -
Safflower - - - - -	Free	Free
Saffron - - - - -	—	—
Sago - - - - - the cwt.	- 1 -	- 1 -
Sal, viz.—Ammoniac - - - - -	Free	Free
— Limonum - - - - -	—	—
— Prunelle - - - - -	—	—
Salep or Salop - - - - -	—	—

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Salt - - - - -	Free	Free
Saltpetre - - - - -	—	—
Sanguis Draconis - - - - -	—	—
Santa Maria Wood - - - - -	—	—
Sapan Wood - - - - -	—	—
Sarsaparilla - - - - -	—	—
Sassafras - - - - -	—	—
Satin Wood - - - - -	—	—
Saunders, Red, White or Yellow - - - - -	—	—
Sausages or Puddings - - - - - the lb.	- - 3	- - 1
Scaleboards - - - - - the cwt.	1 10 -	1 10 -
Scammony - - - - -	Free	Free
Seeds, viz.—Acorns - - - - -	—	—
— Anniseed - - - - -	—	—
— Burnet - - - - -	—	—
— Canary - - - - - the bushel	- 4 -	- 2 -
— Carraway - - - - - the cwt.	- 10 -	- 5 -
— Carrot - - - - - the cwt.	- 10 -	- 5 -
— Clover - - - - - the cwt.	- 10 -	- 5 -
— Colchicum - - - - -	Free	Free
— Cole - - - - -	—	—
— Coriander - - - - -	—	—
— Croton - - - - -	—	—
— Cummin - - - - -	—	—
— Fennugreek - - - - -	—	—
— Flax - - - - -	—	—
— Forest - - - - -	—	—
— Garden, unenumerated, nor otherwise charged with duty - - - - -	—	—
— Grass, of all sorts, not particularly enumerated, or otherwise charged with Duty - - - - - the cwt.	- 5 -	- 2 6
— Hemp - - - - -	Free	Free
— Leek - - - - - the cwt.	1 - -	- 10 -
— Lettuce - - - - -	Free	Free
— Linseed - - - - -	—	—
— Lucerne - - - - - the cwt.	- 5 -	- 5 -
— Lupines - - - - -	Free	Free
— Maw - - - - -	—	—
— Millett - - - - -	—	—
— Mustard - - - - - the bushel	- 1 3	- - 6
— Onion - - - - - the cwt.	1 - -	- 10 -
— Parsley - - - - -	Free	Free
— Poppy - - - - -	—	—
— Quince - - - - -	—	—
— Rape - - - - -	—	—
— Sesamum - - - - -	—	—
— Shrub or Tree - - - - -	—	—
— Tares - - - - -	—	—
— Trefoil - - - - - the cwt.	- 5 -	- 2 6
— Worm - - - - -	Free	Free
— All Seeds unenumerated, commonly used for expressing Oil therefrom - - - - -	—	—
— All other Seeds not particularly enumerated or described, nor otherwise charged with Duty, for every 100 <i>l.</i> value	10 - -	5 - -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Senna - - - - -	Free	Free
Ships to be broken up with their Tackle, Apparel and Furniture (except Sails), viz. Foreign Ships or Vessels, for every 100 <i>l.</i> value	25 - -	25 - -
— Foreign Ships broken up - - for every 100 <i>l.</i> value	10 - -	10 - -
— British Ships or Vessels entitled to be registered as such, and not having been built in the United Kingdom -	Free	Free
Shumac - - - - -	—	—
Silk, viz.—Knubs or Husks of Silk, and Waste Silk - -	—	—
— Raw Silk - - - - -	—	—
— Thrown Silk, not dyed - - - - -	—	—
— ——— dyed, viz. Singles or Tram - the lb.	- 2 -	- 1 -
— ——— Organzine or Crape Silk - the lb.	- 2 -	- 1 -
— Manufactures of Silk, or of Silk mixed with any other material, the produce of Europe, viz. Silk or Satin plain, the lb.	- 11 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	25 - -	
— ——— Silk, figured or brocaded - the lb.	- 15 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Gauze, plain - - - - - the lb.	- 17 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Gauze, figured or brocaded - the lb.	1 7 6	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Crape, plain - - - - - the lb.	- 16 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Crape, figured - - - - - the lb.	- 18 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Velvet, plain - - - - - the lb.	1 2 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Velvet, figured - - - - - the lb.	1 7 6	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— ——— Ribbons, embossed, or figured with velvet, the lb.	- 17 -	
— ——— or, and at the option of the Officers of the Customs - - for every 100 <i>l.</i> value	30 - -	
— and further, if mixed with Gold, Silver, or other metals, in addition to the above Rates, when the duty is not charged according to the value - the lb.	- 10 -	
— Fancy Silk Net, or Tricot - - - the lb.	1 4 -	
— Plain Silk Lace or Net, called Tulle, - the square yard	- 1 4	
— Manufactures of Silk, or of Silk mixed with any other material, not particularly enumerated or otherwise charged with duty - - for every 100 <i>l.</i> value	30 - -	5 - -
— Millinery of Silk, or of which the greater part of the material is of Silk, viz.—		
— Turbans or Caps - - - - - each	- 15 -	- 15 -
— Hats or Bonnets - - - - - each	1 5 -	1 5 -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
Silk Dresses - - - - - each	£. s. d. 2 10 -	£. s. d. 2 10 -
— or, and at the option of the officers of the Customs, for every 100 <i>l.</i> value	40 - -	40 - -
— Manufactures of Silk, or of Silk and any other material and articles of the same, wholly or in part made up, not particularly enumerated or otherwise charged with duty - - - - - for every 100 <i>l.</i> value	30 - -	30 - -
Silkworm Gut - - - - - for every 100 <i>l.</i> value	20 - -	20 - -
Skins, Furs, Pelts and Tails, or Pieces of Skins, raw or un- dressed, unenumerated - - - - -	Free	Free
Skins, Furs, Pelts and Tails, or pieces of Skins, tanned, curried, dressed, unenumerated - - - - -	—	—
— Articles manufactured of Skins or Furs, for every 100 <i>l.</i> value	20 - -	10 - -
Smalts - - - - - the cwt.	- 10 -	- 10 -
Soap, Hard - - - - - the cwt.	1 10 -	1 - -
— Soft - - - - - the cwt.	1 - -	- 15 -
— Naples - - - - - the cwt.	2 16 -	2 16 -
Spa Ware - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
Specimens of Minerals or Fossils, and all Specimens illustra- tive of Natural History - - - - -	Free	Free
Speckled Wood - - - - -	—	—
Spelter or Zinc, viz.—Crude, in cakes - - - - -	—	—
— Rolled, but not otherwise manufactured - - - - -	—	—
— Manufactures of - - - - - for every 100 <i>l.</i> value	10 - -	10 - -
Spermaceti, fine - - - - - for every 100 <i>l.</i> value	25 - -	25 - -
— from and after 1st January 1849 - - - - -	Free	Free
Spirits, or Strong Waters of all sorts; viz.—		
— for every Gallon of such Spirits or Strong Waters, of any strength not exceeding the strength of proof by Sykes's Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon, viz.—		
— not being Spirits or Strong Waters, the produce of any British Possession in America or any British Possession within the limits of the East India Com- pany's Charter, and not being Sweetened Spirits or Spirits mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by such hydrometer - - - - - the gallon	1 2 6	1 2 6
— Spirits or Strong Waters, the produce of any British Possession in America, not being Sweetened Spirits or Spirits so mixed as aforesaid - - - the gallon	- . -	- 9 -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Spirits, Rum, the produce of any British Possession within the limits of the East India Company's Charter, not being Sweetened Spirits or Spirits so mixed as aforesaid, in regard to which the conditions of the Act 4 Vict., c. 8, have or shall have been fulfilled, the gallon	- - -	- 9 -
— Rum Shrub, however sweetened, the produce of and imported from such possessions, in regard to which the conditions of the Act 4 Vict., c. 8, have or shall have been fulfilled, or the produce of and imported from any British Possession in America, the gallon	- - -	- 9 -
— Spirits or Strong Waters, the produce of any British Possession within the limits of the East India Company's Charter, except Rum, in regard to which the conditions of the Act 4 Vict., c. 8, have or shall have been fulfilled, not being Sweetened Spirits or Spirits so mixed as aforesaid - - the gallon	- - -	- 15 -
— Spirits, Cordials or Strong Waters, not being the produce of any British Possession in America, nor any British Possession within the limits of the East India Company's Charter, in regard to which the conditions of the Act 4 Vict., c. 8, have or shall have been fulfilled, sweetened or mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by Sykes's Hydrometer, and Perfumed Spirits, to be used as Perfumery only, the gallon	1 10 -	1 10 -
— Strong Waters, except Rum Shrub, being the produce of any British Possession in America or of any British Possession qualified as aforesaid, sweetened or mixed with any article as aforesaid, the gallon	- - -	1 - -
— Cordials and Liqueurs, except Rum Shrub, being the produce of any British Possession in America, or of any British Possession within the limits of the East India Company's Charter, in regard to which the conditions of the Act 4 Vict. c. 8, have or shall have been fulfilled, sweetened or mixed with any article, so that the degree of strength thereof cannot be ascertained by Sykes's Hydrometer - the gallon	- - -	- 9 -
Sponge - - - - -	Free	Free
Squills, dried and not dried - - - - -	—	—
Starch - - - - - the cwt.	- 10 -	- 5 -
Starch, Gum of, torrifed or calcined, commonly called British Gum - - - - - the cwt.	- 15 -	- 15 -
Stavesacre - - - - -	Free	Free
Steel, manufactures of - - - - for every 100 <i>l.</i> value	15 - -	15 - -
— unwrought - - - - -	Free	Free
Scrap Steel - - - - -	—	—
Stones, in lumps not in any manner hewn, Slate and Marble in rough blocks or slabs, Limestone, Flint Stones, Felspar and Stones for Potters' use, Pebble Stones, Stone to be used for the purpose of Lithography -	Free	Free
— in blocks, shaped or rough scalped - - - -	—	—
— Stone and Slate, hewn - - - - the ton	- 10 -	- 1 -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Stones, Marble, sawn, in slabs or otherwise manufactured, the cwt.	- 3 -	- 1 6
Straw or grass for platting - - - - -	Free	Free
Succades, including all Fruits and Vegetables preserved in sugar - - - - - the lb.	- - 6	- - 1
Sulphur Impressions - - - - -	Free	Free
— vivum. See Brimstone.		
Sweet Wood - - - - -	—	—
Talc - - - - -	—	—
Tallow - - - - - the cwt.	- 3 2	- - 3
Tamarinds - - - - - the lb.	- - 3	- - 1
Tapioca - - - - - the cwt.	- 1 -	- 1 -
Tar - - - - -	Free	Free
— Barbadoes - - - - -	—	—
Tarras - - - - -	—	—
Tartaric Acid - - - - -	—	—
Tea - - - - - the lb.	- 2 1	- 2 1
Teasles - - - - -	Free	Free
Teeth; viz.—Elephant, Sea Cow, Sea Horse or Sea Morse -	—	—
Telescopes - - - - - for every 100 <i>l.</i> value	15 - -	15 - -
Terra Japonica - - - - -	Free	Free
— Sienna - - - - -	—	—
— Umbra - - - - -	—	—
— Verde - - - - -	—	—
Thread, not otherwise enumerated or described, for every 100 <i>l.</i> value	10 - -	5 - -
Tiles - - - - - for every 100 <i>l.</i> value	10 - -	5 - -
Tin, Ore and Regulus of - - - - -	Free	Free
— in Blocks, Ingots, Bars or Slabs - - - the cwt.	- 6 -	- 3 -
— manufactures of, not otherwise enumerated, for every 100 <i>l.</i> value	15 - -	15 - -
— Foil - - - - - the lb.	- - 6	- - 6
Tinical, unrefined - - - - -	Free	Free
Tobacco, viz.—unmanufactured - - - the lb.	- 3 -	- 3 -
— Snuff - - - - - the lb.	- 6 -	- 6 -
— manufactured, or Cigars - - - the lb.	- 9 -	- 9 -
— Stalks and Flour of - - - - -	Prohibited	Prohibited
— manufactured in the United Kingdom, at or within two miles of any Port into which Tobacco may be imported, made into Shag, Roll or Carrot Tobacco, Drawback upon Exportation or Ship- ment as Stores - - - the lb., 2 <i>s.</i> 7½ <i>d.</i>		
Tobacco Pipes of Clay - - - for every 100 <i>l.</i> value	15 - -	15 - -
Tongues - - - - - the cwt.	- 10 -	- 2 6
Tornsal - - - - -	Free	Free
Tortoiseshell or Turtleshell, unmanufactured - - -	—	—
Toys, excepting toy and hand mirrors, on which the plate- glass duty will be levied - - - for every 100 <i>l.</i> value	10 - -	10 - -
Truffles - - - - - the lb.	- 1 -	- 1 -
Tulip Wood - - - - -	Free	Free
Turmeric - - - - -	—	—
Turnery, not otherwise described - for every 100 <i>l.</i> value	15 - -	15 - -

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
Turpentine, viz.—		
not being of greater value than 15 s. per cwt. -	Free	Free
above 15 s. value per cwt. - the cwt.	- 2 -	- 2 -
of Venice, Scio or Cyprus - - - -	Free	Free
Twine - - - - - the cwt.	- 10 -	- 5 -
Ultra Marine - - - - -	Free	Free
Valonia - - - - -		
Vanelloes - - - - - the lb.	- 5 -	- 5 -
Varnish, not otherwise described - for every 100 l. value	15 - -	15 - -
Vases, Ancient, not of Stone or Wood - - - -	Free	Free
Vegetables, viz.—		
All Vegetables not enumerated or described, for every 100 l. value	5 - -	2 10 -
Vellum - - - - - the skin	- 1 -	- 1 -
Verdegris - - - - - the cwt.	- 5 -	- 5 -
Verjuice - - - - - the tun	10 - -	10 - -
Vermilion - - - - -	Free	Free
Vinegar - - - - - the tun	4 4 -	4 4 -
Wafers - - - - - the lb.	- - 3	- - 3
Washing Balls - - - - - the lb.	- - 6	- - 6
Walnut Wood - - - - -	Free	Free
Watches of Gold, Silver, or other Metal, for every 100 l. value	10 - -	10 - -
Water, Cologne, the flask (thirty containing not more than one gallon) - - - - -	- 1 -	- 1 -
Mineral Water - - - - -	Free	Free
Wax, Bees' Wax - - - - -		
in any degree bleached - - - - -		
Myrtle Wax - - - - -		
Sealing Wax - - - - - for every 100 l. value	15 - -	15 - -
Vegetable - - - - -	Free	Free
Weld - - - - -		
Whale's Fins, British taking, and imported direct from the fishery or from any British Possession in a British ship -	- - -	- - -
otherwise taken - - - for every 100 l. value	20 - -	20 - -
Foreign taking, and not prohibited, from and after 1st January 1847 - - -	Free	Free
Whipcord - - - - - the lb.	- - 6	- - 6
Wine, viz.		
The produce of the Cape of Good Hope or the Terri- tories or Dependencies thereof, and imported directly from thence - - - - - the gallon	- - -	- 2 9
French - - - - - the gallon	- 5 6	
Canary - - - - - the gallon	- 5 6	
Madeira - - - - - the gallon	- 5 6	
Portugal - - - - - the gallon	- 5 6	
Rhenish - - - - - the gallon	- 5 6	
Spanish - - - - - the gallon	- 5 6	
Other sorts - - - - - the gallon	- 5 6	
(The full Duties on Wine are drawn back upon re- exportation or shipment as stores.)		
Lees, subject to the same Duty as Wine, but no draw- back is allowed on the Lees of Wine exported.		
Woad - - - - -	Free	Free

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
	£. s. d.	£. s. d.
<b>WOOD.</b>		
Timber and Woods not otherwise charged, viz.—		
Timber or Woods, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood or other Timber or Wood, sawn, split or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the load of 50 cubic feet	1 5 -	- 1 -
Deals, Battens, Boards or other Timber or Wood, sawn or split, and not otherwise charged with Duty the load of 50 cubic feet	1 12 -	- 2 -
Timber and Woods not otherwise charged, viz.—		
Staves - - - - - the load of 50 cubic feet	1 8 -	- 2 -
Staves, not exceeding 72 inches in length, nor seven inches in breadth, nor 3½ inches in thickness - - - - -	Free	Free
Birch, hewn, not exceeding three feet in length, nor exceeding eight inches square, imported for the sole purpose of making herring barrels, for the use of the fisheries - -	—	—
Firewood - - - - - the fathom of 216 cubic feet	- 10 -	Free
Handspikes, not exceeding seven feet in length - the 120	1 - -	- - 6
— exceeding seven feet in length - - the 120	2 - -	- 1 -
Knees, under five inches square - - - - the 120	- 10 -	- - 3
— five inches, and under eight inches square - the 120	2 - -	- 1 -
Lathwood - - - - - the fathom of 216 cubic feet	2 - -	- 1 -
Oars - - - - - the 120	7 10 -	- 3 9
Spars or poles, under 22 feet in length, and under 4 inches in diameter - - - - - the 120	1 - -	- - 6
— 22 feet in length and upwards, and under four inches in diameter - - - - - the 120	2 - -	- 1 -
— of all lengths, four inches and under six inches in diameter - - - - - the 120	4 - -	- 2 -
Spokes for wheels, not exceeding two feet in length, the 1,000	2 - -	- 1 -
— exceeding two feet in length - - - the 1,000	4 - -	- 2 -
Teake - - - - -	Free	Free
Wood, for ship-building, previously admitted at the same duty as Teake - - - - -	—	—
Wastewood, viz.—Billetwood or Brushwood, used for the purposes of stowage - - - - for every 100l. value	5 - -	- 5 -
Wood, planed, or otherwise dressed or prepared for use, and not particularly enumerated, nor otherwise charged with duty - - - - -	— 7½d. per foot of cubic contents and farther for every 100l. value, 10l.	- - for every 100l. value, 5 - -
— Maple, being Furniture Wood - - - - -	Free	Free
— New Zealand Wood, being Furniture Wood - - -	Free	Free

TABLE (A.)—continued.

## WOOD.

Or, in lieu of the Duties imposed upon Wood by the load according to the cubic content, the Importer may have the option, at the time of passing the first entry, of entering Battens, Batten-ends, Boards, Deals, Deal-ends and Plank, by Tale, if of or from Foreign Countries, according to the following dimensions, viz :—

	Not above Seven inches in width.	Rates of Duty.	
		Not above 1½ inch in thickness.	Above 1½ inch and not above 2½ in thickness.
Battens and Batten Ends:—			
Not above six feet in length - - the 120	- - -	£. s. d. 1 10 10	£. s. d. 3 1 7
Above six and not above nine feet in length, the 120	- - -	2 6 2	4 12 5
Above nine and not above 12 feet in length, the 120	- - -	3 1 7	6 3 2
Above 12 and not above 15 feet in length, the 120	- - -	3 17 -	7 14 -
Above 15 and not above 18 feet in length, the 120	- - -	4 12 5	9 4 10
Above 18 and not above 21 feet in length, the 120	- - -	5 7 9	10 15 7
<hr/>			
Boards, Deals, Deal-ends, and Plank:—			
Not above six feet in length - - the 120	Not above 9½ inches in width.	Not above 1½ inch in thickness.	Above 1½ inch and not above 2½ in thickness.
Above six and not above nine feet in length, the 120	- - -	2 9 5	4 18 10
Above nine and not above 12 feet in length, the 120	- - -	3 14 1	7 8 3
Above 12 and not above 15 feet in length, the 120	- - -	4 18 10	9 17 8
Above 15 and not above 18 feet in length, the 120	- - -	6 3 6	12 7 1
Above 18 and not above 21 feet in length, the 120	- - -	7 8 3	14 16 6
Above 18 and not above 21 feet in length, the 120	- - -	8 12 11	17 5 11
<hr/>			
Not above six feet in length - - the 120	Above 9½ inches and not above 11½ in width.	2 19 10	5 19 7
Above six and not above nine feet in length, the 120			
Above nine and not above 12 feet in length, the 120			
Above 12 and not above 15 feet in length, the 120			
Above 15 and not above 18 feet in length, the 120			
Above 18 and not above 21 feet in length, the 120			
Above 18 and not above 21 feet in length, the 120			
- - -	- - -	10 9 4	20 18 7

TABLE (A.)—continued.

ARTICLES.	Rates of Duty.	
	Of or from Foreign Countries.	Of and from British Possessions.
Wool, viz.—Alpaca, and the Llama tribe - - - -	£. s. d. Free	£. s. d. Free
— Beaver - - - -	—	—
— cut and combed - - - -	—	—
— Coney - - - -	—	—
— Cotton, or waste of Cotton Wool - - - -	—	—
— Goats', or Hair - - - -	—	—
— Hare's - - - -	—	—
— Sheep or Lamb's Wool - - - -	—	—
Woollens, viz.—Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, not parti- cularly enumerated or described, not otherwise charged with Duty - - for every 100 <i>l.</i> value	15 - -	5 - -
— Articles or Manufactures of Wool, not being Goat's Wool, or of Wool mixed with Cotton, wholly or in part made up, not otherwise charged with Duty - - - - for every 100 <i>l.</i> value	20 - -	10 - -
Yarn, viz.—Cable - - - - the cwt.	- 3 -	- 3 -
— Camel or Mohair - - - -	Free	Free
— Raw Linen - - - -	—	—
Worsted - - - - the lb.	- - 6	- - 6
Zaffre - - - -	Free	Free
Zebra Wood - - - -	—	—
Goods, Wares and Merchandize, being either in part or wholly manufactured, and not being enumerated or de- scribed, not otherwise charged with Duty, and not prohi- bited to be imported into or used in Great Britain or Ireland - - - - for every 100 <i>l.</i> value	20 - -	20 - -
Goods unenumerated, not being either in part or wholly manufactured, not enumerated or prohibited - - - -	Free	Free

TABLE (B.)

DUTIES of Customs payable on Goods the Produce of the United Kingdom, Exported to Foreign Countries.

	Rate of Duty.
	£. s. d.
Coals, Culm or Cinders in a Foreign Ship - - - - the ton	- 4 -

*Customs Duties.*

A

B I L L

For granting Duties of Customs.

(Prepared and brought in by  
*Mr. Greene, Mr. Chancellor of the Exchequer,  
and Mr. Cardwell.*)

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*Ordered, by The House of Commons, to be Printed,  
18 July 1845.*

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530.

*Under 8 oz.*

11 March 1845.—8 VICT.



A

# B I L L

To repeal the Duties of Customs due upon the Exportation of  
certain Goods from the United Kingdom.

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[Note.—The Words printed in *Italics* are proposed to be inserted  
in the Committee.]

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**W**<sup>H</sup>**EREAS** it is expedient that the Duties of Customs upon Preamble.  
Cement, Stone and Flint, ground or unground, Clay and  
China Stone, and also upon Coals, Culm or Cinders, exported in a  
British Ship from the United Kingdom, should cease and determine ;  
5 **B**<sup>E it ~~therefore~~ **E**~~nacted~~, by The QUEEN's most Excellent  
MAJESTY, by and with the Advice and Consent of the Lords  
Spiritual and Temporal, and Commons, in this present Parliament  
assembled, and by the Authority of the same, **T****H**A**T** on and after  
the *Twelfth day of March One thousand eight hundred and Forty-five*,  
the said Duties shall be and are hereby repealed.</sup>

Export  
Duties on  
Cement,  
Stone and  
Flint, Clay,  
China Stone,  
Coals, Culm  
and Cinders  
repealed.

Repeal of  
Duties.

*Customs (Export Duties).*

A

B I L L

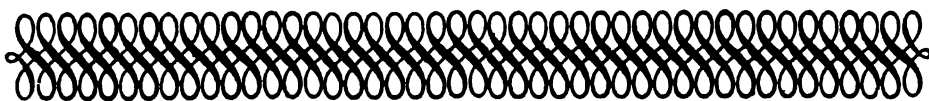
To repeal the Duties of Customs due upon the  
Exportation of certain Goods from the  
United Kingdom.

(*Prepared and brought in by  
Mr. Greene, Mr. Chancellor of the Exchequer  
and Mr. Cardwell.*)

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*Ordered, by The House of Commons, to be Printed,  
11 March 1845.*

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A

# B I L L

To alter and amend certain Duties of Customs.

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[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

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- W**~~H~~**H**~~E~~**R**~~E~~**R**~~E~~**E**~~S~~ by an Act passed in the fifth and sixth years Preamble.  
of the reign of Her present Majesty Queen VICTORIA,  
intituled, “ An Act to amend the Laws relating to the Customs,”  
certain Duties of Customs were made payable to Her said Majesty,  
5 Her heirs and successors, upon the Goods, Wares and Merchandize  
contained in the Tables marked (A.) and (B.), and Schedule to this Act  
annexed : And whereas it is expedient that such Duties should be re-  
pealed ; ~~BE it therefore Enacted~~, by The QUEEN’s most Excel-  
lent MAJESTY, by and with the Advice and Consent of the Lords  
10 Spiritual and Temporal, and Commons, in this present Parliament  
assembled, and by the Authority of the same, **THAT** the Duties  
on the several articles so contained in such Tables and Schedule shall  
be and the same are hereby repealed, at the several periods therein  
specified. 1.  
Duties  
repealed.
- 15 And be it Enacted, That in lieu and instead of the Duties of 2.  
Duties  
imposed.  
Customs now payable upon the Goods, Wares and Merchandize im-  
ported into the United Kingdom in the annexed Schedule mentioned  
and set forth, denominated a Schedule of Duties of Customs, there  
shall be raised, levied, collected and paid unto Her said Majesty, Her  
20 heirs and successors, upon the respective Goods, Wares and Mer-  
chandize imported into the United Kingdom, the several Duties of  
Customs as the same are respectively inserted, described and set forth  
in figures in the said Schedule annexed to this Act.

3.  
Duties, how  
to be re-  
covered.

And be it Enacted, That the Duties by this Act imposed shall be under the management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed and applied or appropriated under the provisions of an Act passed in the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act for granting Duties of Customs," and of any other Act or Acts in force relating to the Customs. 5

## TABLE (A.)

From and after the *passing of this Act.*

Agates, or Cornelians, not set.	Box Wood.
Alganobilla.	Borax, refined.
Alkali.	Borax or Tincal, unrefined.
Alkanet Root.	Boracic Acid.
Almonds, Bitter.	Brazil Wood.
Aloes.	Braziletto Wood.
Alum.	Brimstone, refined in Rolls.
——— Roch.	——— in Flour.
Amber, rough.	——— not refined.
Ambergris.	Bristles, rough, or in any way sorted.
Amboyna Wood.	Bronze Works of Art.
Angelica.	Bulrushes.
Annatto.	
——— Roll.	Camomile Flowers.
Antimony, Ore of.	Camphor, unrefined.
——— Crude.	Camwood.
——— Regulus of.	Candlewick.
Argol.	Canella Alba.
Aristolochia.	Canes, Bamboo.
Arsenic.	——— Reed.
Ashes, Pearl and Pot.	——— Rattans, not ground.
——— Soap, Weed, and Wood.	——— or Sticks, unenumerated.
——— unenumerated.	Caoutchouc.
Asphaltum or Bitumen Judaicum.	Cardamoms.
	Cassia Buds.
Balsam, Canada.	——— Fistula.
——— Capivi.	Castor.
——— Peru.	Cedar Wood.
——— Riga.	Chalk, unmanufactured.
——— Tolu.	Chip, or Willow, for Platting.
——— Balm of Gilead and unenumerated	Chesnuts.
Balsam.	China Root.
Barilla.	Chrystal, rough.
Bar Wood.	Cinnabaris Nativa.
Bark, Extract of, or of other Vegetable	Citrate of Lime.
Substances, to be used only for tan-	Citric Acid.
ning Leather.	Civet.
——— for Tanners' or Dyers' use.	Coals, Culm and Cinders.
——— Cascarilla.	Cobalt.
——— Peruvian.	——— Ore of.
——— of other sorts.	Cochineal.
Basket Rods, peeled and unpeeled.	——— Dust.
Beef Wood.	——— Granilla.
Berries, Bay.	Coir Rope and Junk, old and new, cut into
——— Juniper.	lengths not exceeding three feet each.
——— Yellow.	Colocynth.
——— unenumerated.	Columbo Root.
Birds, Singing.	Copperas, Blue.
Blackwood.	——— Green.
Bladders.	——— White.
Bones of Cattle and other Animals, and of	Coral, whole, polished.
Fish (except Whale Fins,) whether burnt	——— unpolished.
or not, or as Animal Charcoal.	——— in fragments.

TABLE (A.)—continued.

Cork.	Hones.
Cotton Yarn.	Hoofs of Cattle.
Cubebs.	Hoops of Wood.
Cream of Tartar.	Horns—Horn tips and pieces of Horns.
Divi Divi.	Indigo.
Down.	Inkle, unwrought
Drugs, unenumerated.	Iron, Bloom.
Ebony.	— Cast.
Feathers for Beds, in Beds or otherwise.	— Chromate of.
— Ostrich, undressed.	— in Bars, unwrought.
— Paddy Bird, undressed.	— Hoops.
— unenumerated and undressed.	— Old Broken and Cast Iron.
Flax and Tow, or Codilla of Hemp and	— Ore.
Flax, dressed and undressed.	— Pig.
Flocks.	— Slit or Hammered into Rods.
Flower Roots.	Jalap.
Fustic.	Jet.
Gallic Powder.	Jewels,—Emeralds and all other precious
Galls.	Stones, unset.
Gamboge.	— Pearls.
Garancine.	Juice of Lemons, Limes or Oranges.
Garnets, cut or uncut, not set.	Kingwood.
Gentian.	Lac ; viz. Sticklac.
Ginseng.	Lapis Calaminaris.
Glue Clippings, or Waste of any kind, fit	Latten.
only for making Glue.	— Shaven.
Goods unenumerated, not being either in	Lavender Flowers.
part or wholly manufactured, not enu-	Lead Ore.
merated or prohibited.	— Red.
Guano.	— White.
Gum, Animi.	— Black.
— Arabic.	— Chromate of.
— Assafoetida.	Leaves of Roses.
— Ammoniacum.	Leeches.
— Benjamin.	Lignum Vitæ.
— Copal.	Litharge.
— Euphorbium.	Logwood.
— Guaiacum.	Losh Hides.
— Kino.	Madder.
— Lac Dye.	Madder Root.
— Mastic.	Mahogany.
— Seed Lac.	Manganese, Ore of.
— Senegal.	Manna.
— Shellac.	Manures, unenumerated.
— Storax.	Metal, Bell Metal.
— Tragacanth.	Minerals and Fossils, unenumerated.
— unenumerated.	Models of Cork or Wood.
Gun Stocks in the rough, of Wood.	Morphia.
Gypsum.	Moss, Lichen Islandicus.
Hair, Camel Hair or Wool.	— other than Rock or Iceland Moss.
— Cow, Ox, Bull or Elk.	— Rock, for Dyer's use.
— Horse.	Mother o' Pearl Shells.
— Human.	Musk.
— unenumerated.	Myrrh.
— Heath, for Brushes.	Nicaragua Wood.
Helebore.	Nickel, Arseniate of, in Lumps or Powder,
Hemp, dressed.	being in an unrefined state.
Hemp, rough or undressed, or any other	— Metallic and Oxide of, refined.
vegetable substance of the nature and	— Ore of.
quality of undressed hemp, and applica-	
ble to the same purposes.	

TABLE (A.)—continued.

Nitre—Cubic Nitre.	Radix Serpentariæ or Snake Root.
Nuts; viz.	Rags, old Rags, old Ropes or Junk, or old Fishing-nets, fit only for making Paper or Pasteboard.
— Kernels of Walnuts and of Peach Stones, and of Nuts or Kernels thereof, unenumerated, commonly used for expressing Oil therefrom.	— Pulp of.
— Coco Nuts.	— Woollen.
— Pistachio.	Rape of Grapes.
Nuts and Kernels, unenumerated.	Red Wood or Guinea Wood.
Oakum.	Rhubarb.
Ochre.	Rosewood.
Oil, Castor.	Safflower.
— Cocoa Nut.	Saffron.
— of Olives, except in ships of the Two Sicilies.	Sal Ammoniac.
— Palm.	— Limonum.
— Paran.	— Prunella.
— Rock.	Salep or Salop.
— unenumerated.	Saltpetre.
— Train, Blubber, Spermaceti Oil and Head Matter, the produce of Fish or creatures living in the sea, caught by the crews of British vessels, and imported direct from the Fishery or from any British Possession in a British vessel.	Sanguis Draconis.
— Seed Oils; viz.	Santa Maria Wood.
— Hempseed.	Sapan Wood.
— Linseed.	Sarsaparilla.
— Rapeseed.	Sassafras.
— Walnut.	Satin Wood.
— Seed, unenumerated.	Saunders' Red.
Oil Seed Cake.	— White or Yellow.
Olibanum.	Scammony.
Olive Wood.	Seeds; viz.
Orange Peel and Lemon Peel.	— Croton, commonly used for expressing Oil therefrom.
Ore, unenumerated.	— Hemp.
Orchal.	— Sesamum.
Orpiment.	— unenumerated, commonly used for expressing Oil therefrom.
Orris Root.	Senna.
Painters' Colours, unenumerated, unmanufactured.	Shumach.
Palmetto Thatch.	Silk, Raw.
Pink Root.	— Knubs, or Husks and Waste Silk.
Pitch.	Skins and Furs; viz.
— Burgundy.	— Marten, undressed.
Plaster of Paris.	— Seal, in the hair, not tanned, tawed or dressed.
Platina and Ore of Platina.	— Squirrel or Calabar, undressed.
Platting or other Manufactures to be used in or proper for making Hats or Bonnets, of Chip.	— Furs, Pelts and Tails; viz.
Pomegranates, Peel of.	— Badger, undressed.
Prussiate of Potash.	— Bear, undressed.
Quicksilver.	— Beaver, undressed.
Quills, Goose.	— Cat, undressed.
— Swan.	— Chincilla, undressed.
Radix Contrayervæ.	— Coney, undressed.
— Enulæ Campanæ.	— Deer, undressed.
— Eringii.	— Dog, in the Hair, not tanned or dressed.
— Ipecacuanæ.	— Dog Fish, undressed.
— Rhatanæ.	— Elk, undressed.
— Senekæ.	— Ermine, undressed.
	— Fisher, undressed.
	— Fitch, undressed.
	— Fox, undressed.
	— Fox Tails, undressed.
	— Goat, Raw.
	— Goose, undressed.
	— Hare, undressed.
	— Husse, undressed.
	— Kangaroo, raw and undressed.

TABLE (A.)—continued.

<p>Skins, Kid, in the Hair, undressed.</p> <p>— Kolinski, undressed.</p> <p>— Leopard, undressed.</p> <p>— Lion, undressed.</p> <p>— Lynx, undressed.</p> <p>— Marten Tails, undressed.</p> <p>— Mink, undressed.</p> <p>— Mole, undressed.</p> <p>— Musquash, undressed.</p> <p>— Nutria, undressed.</p> <p>— Otter, undressed.</p> <p>— Ounce, undressed.</p> <p>— Panther, undressed.</p> <p>— Pelts, undressed, of Goats.</p> <p>— of all other sorts.</p> <p>— Raccoon, undressed.</p> <p>— Sable, undressed.</p> <p>— Sable Tails or Tips, undressed.</p> <p>— Squirrel or Calabar, Tails of, undressed.</p> <p>— Swan, undressed.</p> <p>— Tiger, undressed.</p> <p>— Weasel, undressed.</p> <p>— Wolf, undressed.</p> <p>— Wolverings, undressed.</p> <p>— Furs, Pelts and Tails, tanned, tawed or dressed; viz.</p> <p>— Deer, — Indian, half dressed, tanned, tawed, or in any way dressed.</p> <p>— Ermine, dressed.</p> <p>— Kid, dressed and dyed or coloured.</p> <p>— Lamb, tanned or tawed.</p> <p>— Lamb, dyed or coloured.</p> <p>— Dressed in Oil:</p> <p>— Mink, dressed.</p> <p>— Pelts of all sorts, tanned, tawed or in any way dressed.</p> <p>— Deer, Indian, undressed or shaved.</p> <p>— Goat, tanned, tawed or in any way dressed.</p> <p>— Lamb, in the Wool.</p> <p>— Sheep, in the Wool.</p> <p>— tanned or tawed, dressed in Oil.</p> <p>— Squirrel or Calabar, tawed.</p> <p>— Wolf, tawed.</p> <p>— Kid, dressed, not dyed or coloured.</p> <p>— and Furs, or pieces thereof, unenumerated, tawed, curried or dressed.</p> <p>— and Furs, or pieces thereof, raw or undressed, unenumerated.</p> <p>Specimens of Minerals, Fossils or Ores, unenumerated, exceeding fourteen pounds weight each.</p> <p>Speckled Wood.</p> <p>Spelter or Zinc, rolled, but not otherwise manufactured.</p> <p>— crude, in cakes.</p> <p>Sponge.</p> <p>Squills, dried and not dried.</p> <p>Stavesacre.</p> <p>Staves, not exceeding seventy-two inches in length, nor seven inches in breadth, nor three inches and a quarter in thickness.</p>	<p>Steel, unwrought.</p> <p>— Scraps.</p> <p>Straw or Grass for Platting.</p> <p>Sweet Wood.</p> <p>Sulphur Casts.</p> <p>Talc.</p> <p>Tar.</p> <p>— Barbadoes.</p> <p>Tarras.</p> <p>Tartaric Acid.</p> <p>Teasles.</p> <p>Teeth, Elephants'.</p> <p>— Sea-Cow, Sea-Horse or Sea-Morse.</p> <p>Terra Japonica and Cutch.</p> <p>— Sienna.</p> <p>— Verde.</p> <p>— Umbra.</p> <p>Tin Ore, and Regulus of.</p> <p>Tornsal.</p> <p>Tortoise Shell or Turtle Shell, unmanufactured.</p> <p>Tulip Wood.</p> <p>Turmeric.</p> <p>Turpentine of Venice, Scio or Cyprus.</p> <p>Turpentine, unless above the value of 15 s. per cwt.</p> <p>Valonia.</p> <p>Vases, ancient, not of Stone or Wood.</p> <p>Vermilion.</p> <p>Ultramarine.</p> <p>Walnut Wood.</p> <p>Water, Mineral.</p> <p>Wax, Bees, in any degree bleached.</p> <p>— unbleached.</p> <p>— Myrtle.</p> <p>— Vegetable.</p> <p>Weld.</p> <p>Whale Fins, of British taking, and imported direct from the Fisheries, or from any British Possession in a British ship.</p> <p>Wood.</p> <p>Wood, for ship-building, now admitted at the same duty as Teake Wood.</p> <p>— Birch, hewn, not exceeding three feet long, nor exceeding eight inches square, imported for the sole purpose of making Herring Barrels for the use of the Fisheries.</p> <p>— Teake.</p> <p>Wool, Beaver.</p> <p>— cut and combed.</p> <p>— Coney.</p> <p>— Hares.</p> <p>— Cotton.</p> <p>Yarn.</p> <p>— Camel or Mohair.</p> <p>— Raw Linen.</p> <p>Zaffre.</p> <p>Zebra Wood.</p>
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TABLE (B.)

Seeds; viz.	Seeds—continued.	From and after the
Acorn.	Lettuce.	} - 1st day of June 1845.
Anniseed.	Linseed and Flaxseed.	
Burnet.	Lupin.	
Colchicum.	Maw.	
Cummin.	Millet.	
Fenugreek.	Parsley.	
Forest.	Quince.	
Garden, unenumerated.	Shrub or Tree.	
Lentiles.	Worm.	
Spermaceti - - - - -		} - 1st day of January 1849.
Sperm Oil of Foreign Fishing - - - - -		
Train Oil or Blubber of Foreign Fishing - - - - -		} - 1st day of January 1847.
Whales' Fins of Foreign taking, and not prohibited - - - - -		

## A SCHEDULE OF DUTIES OF CUSTOMS.

	£.	s.	d.
Isinglass, per cwt. - - - - -	-	5	-
Oils, Chemical, Essential or Perfumed, per lb. - - - - -	-	1	-
— Essential of Cloves, per lb. - - - - -	-	3	-
Pickles preserved in Vinegar, per gallon - - - - -	-	-	4
Pickles or Vegetables preserved in Salt, for every 100 l. value - - - - -	5	-	-
Refined Camphor, per cwt. - - - - -	-	5	-
Smalts, per cwt. - - - - -	-	10	-
Turpentine above the value of 15 s. per cwt. - - - - -	-	2	-
Verdigris, per cwt. - - - - -	-	5	-
Yarn Cable, per cwt. - - - - -	-	3	-

That from and after the expiration of Excise Duties on British Glass, and until the 10th day of October 1846, the following Duties of Customs:

Glass; viz.

Any kind of Window Glass, white or stained of one colour only, not exceeding One-ninth of an inch in thickness, and Shades and Cylinders, the cwt. - - - - - - 14 -

All Glass exceeding One-ninth of an inch in thickness; all silvered or polished Glass of whatever thickness, however small each pane, plate or sheet, superficial measure; viz.

Not exceeding more than 9 square feet, the square foot - 1 -

Containing more than 9 square feet, and not more than 14 square feet, the square foot - 2 -

Containing more than 14 square feet, and not more than 36 square feet, the square foot - 2 6

Containing more than 36 square feet, the square foot - 3 -

Glass, painted or otherwise ornamented, the superficial foot - 3 -

All White Flint Glass Bottles, not cut, engraved or otherwise ornamented, and Beads and Bugles of Glass, the lb. - - 2

(continued.)

## A Schedule of Duties of Customs—continued.

Wine Glasses, Tumblers, and all other White Flint Glass Goods not cut, engraved or otherwise ornamented, the lb - - -	£. s. d.
All Flint Cut Glass, Flint coloured Glass and Fancy Ornamental Glass of whatever kind, the lb. - - -	- - 4
Bottles of Glass covered with Wicker (not being Flint or Cut Glass), or of Green or common Glass, the cwt. - - -	- - 8
Glass manufactures, not otherwise enumerated or described, and old broken Glass, fit only to be re-manufactured, the cwt. -	- 3 -
	- 14 -

And that from and after the *10th day of October 1846* until the *5th day of April 1848* there be charged on the said Article *One-half* of the said Duties, and from and after the *5th day of April 1848* *One-fourth* of the said Duties.

Customs (Import Duties).

A

B I L L

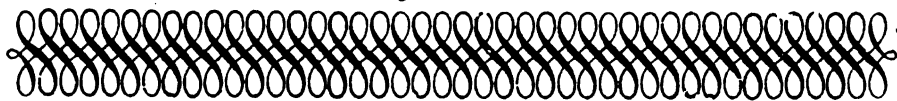
To alter and amend certain Duties of Customs.

(Prepared and brought in by  
Mr. Greene, Mr. Chancellor of the Exchequer,  
and Sir George Clerk.)

Ordered, by The House of Commons, to be Printed,  
20 March 1845.

157.

Under 1 oz.



A

# B I L L

To repeal the several Laws relating to the Customs.

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

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**W**~~H~~~~E~~~~R~~~~E~~~~A~~~~S~~ several Acts were passed in a Session of Parliament holden in the third and fourth years of the reign of King WILLIAM the Fourth, for consolidating the Laws relating to the Customs, and to Navigation : And whereas since the passing of those Acts divers Acts for the amendment of them have been found necessary : And whereas it is expedient again to consolidate the said Laws, and therefore that all the said Acts should be repealed ; ~~BE it therefore Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* the same shall come into and be and continue in full force and effect for all the purposes therein mentioned.

Preamble.

1.  
Commence-  
ment of Act.

2.  
The follow-  
ing Acts  
repealed :  
11 G. 4, and  
1 W. 4, c. 45.

3 & 4 W. 4,  
c. 51.

3 & 4 W. 4,  
c. 52.

528.

also

- 3 & 4 W. 4, c. 53. also an Act passed in the same Session of Parliament, intituled, "An Act for the Prevention of Smuggling;" also an Act passed in the same Session of Parliament, intituled, "An Act for the Encouragement of British Shipping and Navigation;" also an Act passed in the same Session of Parliament, intituled, "An Act for the registering of British Vessels;" also an Act passed in the same Session of Parliament, intituled, "An Act for granting Duties of Customs;" also an Act passed in the same Session of Parliament, intituled, "An Act for the warehousing of Goods;" also an Act passed in the same Session of Parliament, intituled, "An Act to grant certain Bounties and Allowances of Customs;" also an Act passed in the same Session of Parliament, intituled, "An Act to regulate the Trade of the British Possessions Abroad;" also an Act passed in the same Session of Parliament, intituled, "An Act for regulating the Trade of the Isle of Man;" also an Act passed in the same Session of Parliament, intituled, "An Act to admit Sugar without payment of Duty to be refined for Exportation;" also an Act passed in the fourth year of the reign of King WILLIAM the Fourth, intituled, "An Act to repeal so much of an Act of the last Session of Parliament for the Prevention of Smuggling as authorizes Magistrates to sentence Persons convicted of certain Offences to serve his Majesty in his Naval Service, and to alter and amend the said Act;" also an Act passed in the Session of Parliament holden in the fourth and fifth years of the reign of King WILLIAM the Fourth, intituled, "An Act to amend the Laws relating to the Customs," except so much thereof as relates to steam vessels carrying passengers between Great Britain and Ireland; also an Act passed in the Session of Parliament holden in the fifth and sixth years of the reign of King WILLIAM the Fourth, intituled, "An Act to regulate the Admeasurement of the Tonnage and Burthen of the Shipping of the United Kingdom;" also an Act passed in the same Session of Parliament, intituled, "An Act to amend the Laws relating to the Customs;" also an Act passed in the Session of Parliament holden in the sixth and seventh years of the reign of King WILLIAM the Fourth, intituled, "An Act to amend the Laws relating to the Customs;" also an Act passed in the Session of Parliament holden in the first and second years of the reign of Her present Majesty, intituled, "An Act to amend the Laws relating to the Customs," except so much thereof as relates to the carriage of passengers in merchant vessels; also an Act passed in the Session of Parliament holden in the fifth and sixth years of the reign of Her present Majesty, intituled, "An Act to amend the Laws relating to the Customs," except so much thereof as relates to the sale and the assay of foreign gold and silver plate; also an Act passed in the same Session of Parliament, intituled, "An Act to amend the Laws for the regulation of the Trade of the British Possessions Abroad;" also an Act passed in the same Session of Parliament, intituled, "An Act for further amending

- amending the Laws relating to the Customs," except so much thereof as relates to Gold and Silver Plate; also an Act passed in the Session of Parliament holden in the sixth and seventh years of the reign of Her present Majesty, intituled, "An Act to amend the  
5 Laws of Customs;" also an Act passed in the Session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty, intituled, "An Act to amend the Laws relating to the Customs;" also an Act passed in the same Session of Parliament, intituled, "An Act to amend the Laws relating to the Customs  
10 in the Isle of Man;" also an Act passed in this present Session of Parliament, intituled, "An Act to alter and amend certain Duties of Customs;" also another Act passed in this present Session Parliament, intituled, "An Act to make perpetual and amend an Act of the fifth and sixth years of Her present Majesty for preventing  
15 Ships clearing out from any Port in British North America, or in the Settlement of Honduras from loading any part of their cargo of Timber upon deck;" and the said several Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts, or any part of such Act or Acts,  
20 and except so far as relates to any arrears of duty, or to any drawbacks which shall have become due and payable, or to any penalty or forfeiture which shall have been incurred under the said Act or Acts hereby repealed, or any of them, or to any offence which shall have been committed contrary to such Act or Acts, or any of them.
- 25 And be it Enacted and Declared, That all orders made by Her Majesty in Council, or under the authority of any of the Acts hereby repealed, or of any other Act relating to the Customs, or to Trade or Navigation, and all bonds taken or licenses granted under the authority of any such Act or Acts, and all acts whatsoever done under the  
30 authority or in pursuance of any such Act or Acts, shall be valid and effectual, notwithstanding the Act or Acts under the authority of which such orders shall have been made, or such bonds shall have been taken and licenses granted, and such acts shall have been done, may be repealed.

6 & 7 Vict.  
c. 84.

7 & 8 Vict.,  
c. 16.

7 & 8 Vict.  
c. 43.

8 & 9 Vict.,  
c. 12.

except as to  
Duties due,  
Penalties in-  
curred, or  
Offences com-  
mitted.

3.  
All Orders in  
Council,  
Bonds and  
Licenses, and  
all Acts done  
under repeal-  
ed Acts, to be  
valid, not-  
withstanding  
the repeal.

*Customs' Laws Repeal.*

A

B I L L

To repeal the several Laws relating to the  
Customs.

(Prepared and brought in by  
*Mr. Greene, Mr. Chancellor of the Exchequer,  
and Mr. Cardwell.*)

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*Ordered, by The House of Commons, to be Printed,  
18 July 1845.*

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528.

*Under 1 oz.*



A

# B I L L

## For the Management of the Customs.

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

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**W**H ~~HEREAS~~ an Act was passed in the Session of Parliament holden in the third and fourth years of the reign of King

WILLIAM the Fourth, intituled, “An Act for the Management of the Customs,” whereby the laws in relation to the management of the

5 Customs were consolidated : And whereas since the passing of the said Act divers parts of Acts for the further amendment of the law in that respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act ; ~~BE~~ it ~~therefore~~ Enacted, by The

10 QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* the same shall come into and be and continue in full force for all the purposes mentioned

15 therein, except where any other commencement is herein particularly directed.

Preamble :

3 & 4 W. 4,  
c. 51.

1.  
Commence-  
ment of Act.

And be it Enacted, That it shall be lawful for Her Majesty from time to time to appoint, under the Great Seal of the United Kingdom, any number of persons, not exceeding Thirteen, to be Commissioners of Her Majesty’s Customs for the collection and for the

20 management of the Customs in and throughout the whole of the United Kingdom, and of any of Her Majesty’s possessions abroad, and that each of such Commissioners when so appointed shall have and hold his office during Her Majesty’s pleasure.

2.  
Board of  
Customs, ap-  
pointment of.

3.  
Commis-  
sioners sub-  
ject to the  
control of the  
Treasury.

And be it Enacted, That the said Commissioners so appointed, or to be appointed, by Her Majesty, shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions and control of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and shall obey such orders and instructions as shall from time to time be issued to them by the said Commissioners of Her Majesty's Treasury under the hands of Three or more of them.

5

4.  
Orders under  
the hands of  
Commis-  
sioners.

And be it Enacted, That every order, document, instrument or writing, not being for the payment of money, required by any law at any time in force, to be under the hands, or under the hands and seals of the Commissioners of Her Majesty's Customs, being attested by the hands or the hands and seals of Two or more of such Commissioners, and every such order for the payment of money being attested by the signatures of Three or more of such Commissioners shall be deemed to be an order, document, instrument or writing under the hands, or under the hands and seals, as the case may be, of the Commissioners of Her Majesty's Customs accordingly.

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5.  
Previous ap-  
pointments to  
remain in  
force.

And be it Enacted, That any appointment of Commissioners of Her Majesty's Customs in force at the time of the commencement of this Act, shall continue in force as if the same had been afterwards made under and by virtue of the authority of this Act.

20

6.  
Appointment  
of necessary  
Officers of  
Customs.

And be it Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or for the Commissioners of Her Majesty's Customs, under the authority of the said Commissioners of Her Majesty's Treasury, to appoint proper persons to execute the duties of the several offices necessary to the due management and collection of the Customs, and all matters connected therewith, under the control and direction of the Commissioners of Her Majesty's Customs, and to grant or allow to such persons such salaries or other allowances, or to permit such emoluments for the labour and responsibility in executing the duties of their respective offices or employments, and to require of such persons such securities for their good conduct therein as the said Commissioners of Her Majesty's Treasury shall deem to be reasonable and necessary, and such persons shall hold their offices during the will and pleasure of the said Commissioners of Her Majesty's Treasury, or of the Commissioners of Her Majesty's Customs, in such cases and in such manner as the said Commissioners of Her Majesty's Treasury shall direct.

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Salaries and  
allowances  
and secu-  
rities.

7.  
Persons em-  
ployed by  
Customs

And be it Enacted, That every person employed on any duty or service relating to the Customs by the orders or with the concurrence

currence of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed), shall be deemed to be the officer of the Customs for that duty or service, and that every act, matter or thing required by any law at any time in force to be done  
 5 or performed by to or with any particular officer nominated in such law for such purpose being done or performed by to or with any person appointed by the Commissioners of Her Majesty's Customs to act for, or in behalf of such particular officer, the same shall be deemed to be done or performed by to or with such particular officer,  
 10 and that every act, matter or thing required by any law at any time in force to be done or performed at any particular place within any port, being done or performed at any place within such port appointed by the Commissioners of Her Majesty's Customs for such purpose, the same shall be deemed to be done or performed at the particular  
 15 place so required by law.

deemed Officers for such service.

Duties of Officers performed by Persons and at Places appointed by Commissioners.

And be it Enacted, That if any officer, clerk or other person acting in any office or employment in] or belonging to the Customs under the control and direction of the Commissioners of Her Majesty's Customs in any part of Her Majesty's dominions, shall  
 20 take or receive any fee, perquisite, gratuity or reward, whether pecuniary, or of any other sort or description whatever, directly or indirectly, from any person (not being a person duly appointed to some office in the Customs) on account of any thing done, or to be done, by him in, or in any way relating to, his said office or employment,  
 25 except such as he shall receive under any order or permission of the said Commissioners of Her Majesty's Treasury, every such officer so offending shall on proof thereof to the Commissioners of Her Majesty's Customs, be dismissed from his office; and if any person not being a person duly appointed to some office in the Customs)  
 30 shall give, offer or promise to give, any such fee, perquisite, gratuity or reward, such person shall for every such offence forfeit the sum of *One hundred Pounds*.

8. Officers taking any fee or reward not allowed shall be dismissed.

Penalty for offering fee.

And be it Enacted, That all commissions, deputations and appointments granted to any officers of the Customs in force at the  
 35 time of the commencement of this Act, shall continue in force as if the same had been afterwards granted under and by virtue of the authority of this Act; and that all bonds which shall have been given by any such officers and their respective sureties for good conduct or otherwise, shall remain in full force and effect.

9. Previous appointments and Securities to remain in force.

And be it Enacted, That every person who shall be appointed  
 40 to any office or employment in the service of the Customs under the control and direction of the Commissioners of Her Majesty's

10. Declaration on admission to office.

Majesty's Customs in any part of Her Majesty's dominions, shall at their respective admissions thereto make the following declaration ; (that is to say)

" I, A. B., do declare that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection in the service of Her Majesty's Customs ; and that I will not require, take or receive any fee, perquisite, gratuity or reward, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter or thing done or performed, or to be done or performed, in the execution or discharge of any of the duties of my office or employment on any account whatever other than my salary and what is or shall be allowed me by law, or by any special order of the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, for the time being."

11.  
Hours of  
Attendance  
and division  
of Service in  
those Hours

And be it Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, by their warrant from time to time, to appoint the hours of general attendance of the Commissioners and respective officers of the Customs, and other persons in the service of the Customs, at their proper offices and places of employment ; and that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint the times during such hours at which any particular parts of the duties of such officers and other persons respectively shall be performed by them.

12.  
Officers of  
Customs not  
liable to serve  
parochial and  
other local  
Offices.

And be it Enacted, That no Commissioner of Her Majesty's Customs, nor any officer of Customs, or person employed in the collection or management of or accounting for the Revenue of Customs, or any part thereof, nor any clerk or other person acting under them, shall, during the time of his acting as such Commissioner or as such officer, or of his being so employed as aforesaid, or of his acting as such clerk or other person as aforesaid, as the case may be, be compelled to serve as a Mayor or Sheriff, or in any corporate or parochial or other public office or employment, or to serve on any jury or inquest, or in the militia, any law, usage or custom to the contrary thereof notwithstanding.

13.  
Holidays.

And be it Enacted, That no day shall be kept as a public holiday by the Customs except Christmas-day and Good Friday in every year, and any days appointed by Her Majesty's Proclamation for the purpose of a General Fast or of a General Thanksgiving, and also so far as regards Scotland, any days appointed for such purposes by authority of the General Assembly, and also such days as shall have been

been appointed for the celebration of the Birth-days of Her Majesty, and of Her successors; and that such days shall be kept as public holidays by the officers and servants of the Dock Companies in the United Kingdom.

- 5 And be it Enacted, That the Collector of the Customs in the Port of London shall pay into the hands of the Receiver-general of the Customs the whole of the monies which he shall receive on account of the Duties of Customs on the day on which he shall receive the same, or as near the whole as may be, save and except  
10 such sum or sums of money as shall from time to time, by virtue of the special order of the Commissioners of Her Majesty's Customs, be directed to be deducted, paid or allowed therefrom.

14.  
Collector in  
London to  
pay Duties  
daily to  
Receiver  
general.

- And be it Enacted, That every sum of money which shall be due in the Port of London upon any debenture, certificate or other  
15 instrument or document whatever for the payment of any money out of the Duties of Customs shall be paid by the Receiver-general of the Customs out of any money in his hands arising from the Duties of Customs; and every such payment shall be allowed by the Commissioners for the better examining and auditing the public accounts of  
20 this Kingdom in the settling or auditing of the accounts of the Receiver-general of the Customs; and when any such payment shall become due at any other Port in the United Kingdom, the same may be paid by the Collector at such Port, the Comptroller being duly apprized thereof, out of any of the money in his hands arising from the  
25 Duties of Customs, and under such directions and instructions for the due execution of their offices as shall from time to time be given to them by the Commissioners of Her Majesty's Customs.

15.  
In London.  
Debentures  
and Orders to  
be paid by  
Receiver-  
general.

Payments at  
Out-ports by  
Collector.

- And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs finally to settle and close the ac-  
30 counts of any Collectors or Receivers of any part of the Revenue of the Customs or other Duties under their management, notwithstanding any erroneous appropriation of any Duties of Customs received by such Collectors or Receivers, and the said Commissioners are hereby empowered to correct such appropriation, in order to prevent the  
35 accounts of any such Collectors or Receivers from being kept open, and all such corrections shall be allowed by the Commissioners for auditing the Public Accounts in the passing the general accounts of Customs subsidies or impositions.

16.  
Commis-  
sioners of  
Customs may  
close Accounts  
of Collectors.

- And be it Enacted, That all salaries, allowances or compensations  
40 granted or allowed to any officer, clerk or other person in the service of the Customs, shall be paid without any abatement or deduction, on account of any Duties imposed by any Act of Parliament, unless expressly charged thereon.

18.  
Salaries not  
subject to  
Duties.

19.  
All Monies  
received by  
Receiver-  
general of  
Customs in  
England shall  
be paid into  
the Bank of  
England.

AND whereas it is expedient that regulations should be established by law in the office of the Receiver-general of the Customs in England, for depositing in the Bank of England all the monies, bills, drafts and notes received by such Receiver-general on account of the revenue, under the management of the Commissioners of Her Majesty's Customs, except as hereinafter mentioned, until the same shall be paid into the Exchequer; BE it therefore Enacted, That all monies, bills, notes and drafts received by or coming to the hands of the Receiver-general of the Customs in England, on account of the Revenue of Customs in Great Britain, shall be paid by him into the hands of the Governor and Company of the Bank of England; (that is to say), such monies and notes, and such of the bills and drafts as shall be already accepted, or shall not require acceptance, having been first duly endorsed, shall be paid as aforesaid on the day on which the same shall have been received, and such of the bills and drafts as shall require acceptance, and not be already accepted when received, (the same having been first duly indorsed where necessary) within *Three Days* after the same shall have been accepted, for which monies, bills, notes and drafts, the entry in the book hereinafter mentioned shall be a sufficient discharge, and all such monies, bills, notes and drafts so to be paid to the Governor and Company of the Bank of England shall be placed to an account, to be raised in the books of the said Governor and Company, and to be intituled, "The Account of the Public Monies of the Receiver-general of Customs," inserting the name of such Receiver-general for the time being.

20.  
Money for  
ordinary Pay-  
ments may be  
retained.

Provided nevertheless, and be it Enacted, That it shall be lawful for such Receiver-general to retain and keep in his own hands for the payment of casual and ordinary and daily demands out of the monies so received by him as such Receiver-general, a sum not exceeding *One thousand Pounds* at the close of each day, and also any further sum which he shall be directed to retain by the said Commissioners, not exceeding *Four thousand Pounds*, and also any further sum, with the permission in writing of any Three or more of the said Commissioners of Her Majesty's Treasury.

21.  
Bank to keep  
an Account,  
to be returned  
to the Cus-  
toms for  
inspection.

And be it Enacted, That the Governor and Company of the Bank of England, or some person duly authorized in that behalf, shall daily, upon receiving any money, bills, notes or drafts from such Receiver-general of the Customs, make an entry of the money, bills, notes and drafts so received in a book, to be provided by the Governor and Company of the Bank of England, which book shall be forthwith re-delivered to the persons making the payments for the Customs, and inspected daily after its return by the Comptroller-general of the Customs or his clerk, (such clerk being first duly authorized by him, and for whose conduct he shall be answerable), who shall compare the same with the account of monies, bills, notes and drafts, received by

by the said Receiver-general, for the purpose of ascertaining that the Receiver-general constantly pays into the Bank all the money, bills, notes and drafts, which he ought to do under the provisions of this Act, and any default which such Comptroller-general, or his clerk, may discover in that behalf shall be immediately reported by him to the  
 5 said Commissioners of Her Majesty's Customs, who shall report the same, unless it shall appear to them to have happened by mistake or inadvertence, to the said Commissioners of Her Majesty's Treasury.

And be it Enacted, That the monies placed to the account of  
 10 the Receiver-general as aforesaid in the Bank of England, shall be paid into the Exchequer from time to time as by law is directed, in manner following, that is to say, the Receiver-general, or his clerk duly authorized by him for that purpose, and for whose conduct therein he shall be answerable, shall make an order, weekly,  
 15 upon the Governor and Company of the Bank of England, which order shall be countersigned by the Comptroller-general or his clerk, to write off from his account the sum specified, and the said Governor and Company, or some person duly authorized on their behalf, shall thereupon write off such sum, and deliver a note drawn and cancelled  
 20 in such manner as shall be approved by the said Commissioners of Her Majesty's Treasury for the amount to the Receiver-general or his clerk who shall pay the same into the Exchequer, and the Bank Clerks attending there shall receive it as so much cash, and it shall not be lawful for the Governor and Company of the Bank of England  
 25 to pay or transfer any part of the money so paid in and placed to the account of such Receiver-general from such account, otherwise than into the Exchequer in manner aforesaid, and except in the manner hereinafter directed, or to deliver any note or notes, bill or bills of exchange, save and except to the Solicitor of the Customs, or his  
 30 clerk, upon his application for the same, together with the Receiver-general or his clerk, and the Comptroller-general or his clerk, for the sole purpose of taking out an extent for the security of the money for which such bill of exchange or draft shall have been given, or to the said Receiver-general, or his clerk, any bills, notes or drafts,  
 35 which may be protested for non-payment, except as hereinafter is mentioned, in which case the Commissioners of Her Majesty's Customs shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver-general or Comptroller-general, or if not sitting, at the time of their assembling, and such delivery shall be entered by the  
 40 bank in the book to be kept as herein directed.

22.  
 Money carried to the Exchequer to be written off at the Bank.

And be it Enacted, That, in order that the several payments directed by order of the Commissioners of Her Majesty's Customs to be made by the said Receiver-general to merchants, or any other persons on account of drawbacks or bounties, or on any other account what-

23.  
 Receiver-general may draw on the Bank to pay Drawbacks, &c.

Drafts to be  
countersigned  
by Comptrol-  
ler-general.

ever, may be made without delay, and for the payment of which the money then in the hands of the said Receiver-general shall be insufficient, it shall be lawful for the said Receiver-general, or his clerk, deputed and authorized by him for that purpose, and for whose conduct therein he shall be answerable, to draw out of the Bank of England, as occasion may require, such sum or sums of money as may be sufficient to answer the purpose aforesaid, and that every draft or order on the Bank for money for any of the said purposes shall be countersigned by the Comptroller-general, or his clerk, to be deputed and authorized by him for that purpose, and for whose conduct therein he shall be answerable, and that the said Receiver-general shall, from time to time, account for the monies so to be drawn by him or his clerk out of the Bank. 5 10

24.  
Officers of the  
Exchequer  
to be fur-  
nished with  
appropriation  
Papers.

AND in order that separate accounts may be kept at the Exchequer of the monies paid in on various branches of the Customs pursuant to law; BE it Enacted, That the said Receiver-general of the Customs shall, on every Monday morning, furnish the proper officers of the Exchequer with an appropriation paper, stating the heads under which the receipts of the preceding week are to be applied. 15

25.  
On the death  
or removal  
of Receiver-  
general, the  
Balance to  
vest in his  
Successor.

And be it Enacted, That upon the death, resignation or removal of the present and of every other Receiver-general of the Customs hereafter to be appointed, the balance of cash for which he shall at that time have credit on his account as such Receiver-general, with the Governor and Company of the Bank of England, shall, as soon as a successor shall be appointed to the said office, actually vest in such successor, and until such successor shall be appointed in such person or persons as shall for the time being be duly authorized to execute the duties of the said office in trust for the service of the public, and be forthwith transferred, carried over and placed to the account of such successor, or other person or persons as aforesaid, to be applied to the said service in pursuance of the like drafts and orders as aforesaid. 20 25 30

26.  
Receiver-  
General to  
keep Account.

And be it Enacted, That the Receiver-general of the Customs for the time being shall keep the account with the Bank of all monies issued by and paid to the Bank on his account for the service of the public, and the said Receiver-general, observing the rules and regulations hereby prescribed, shall not be answerable for any money, bills, notes and drafts which he shall have so paid or caused to be paid into the Bank of England, and the Governor and Company of the Bank of England shall be answerable for all the monies, bills, notes and drafts which shall be actually received by them from and on account of such Receiver-general as aforesaid, except such bills as may have been returned in manner aforesaid. 35 40

And

And be it Enacted, That if any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or hand-writing of any Receiver-general of the Customs, or of any Comptroller-general of the Customs, or of any person acting for them respectively as aforesaid, to any draft, instrument or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England on account of the Receiver-general of the Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument, or writing in form of a draft made by such Receiver-general or person as aforesaid, or shall utter or publish any such, knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever, every such person or persons so offending being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of Felony, and shall be transported beyond the seas for *life*.

27.  
Punishment  
for Forgery on  
Receiver-  
general,  
transporta-  
tion for Life.

And be it Enacted, That in all cases wherein proof on oath shall be required by any law, or for the satisfaction or consideration of the Commissioners of Her Majesty's Customs, in any matter relating to any business under their management, the same may be made before the Collector or Comptroller of the Customs at the port where such proof shall be required to be made, or before the persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

28.  
Commis-  
sioners of  
Customs, Col-  
lectors, &c.,  
authorized  
to administer  
Oaths.

And be it Enacted, That upon examinations and inquiries made by any Commissioners of Her Majesty's Customs, or any one or more of them for the time being, or by any Surveyor-general of the Customs, or any Inspector-general of the Customs, for ascertaining the truth of facts relative to the Customs, or the conduct of officers or persons employed therein, and upon the like examinations and inquiries made by the Collector and Comptroller of any outport in the United Kingdom, or of any port in the Isle of Man, or made by any person or persons in any of the British Possessions abroad, appointed by the Commissioners of Her Majesty's Customs, to make such examinations and inquiries, any person examined before him or them as a witness shall deliver his testimony on oath, to be administered by such of the said Commissioners, Surveyors-general, or such of the Inspectors-general or such Collector or Comptroller, or such person or persons as shall examine any such witness, and who are hereby authorized to administer such oath; and if any person shall be convicted of making a false oath touching any of the facts so testified on oath, or of giving false evidence on his examination on oath before any one or more of the said Commissioners, or any of the Surveyors-

29.  
Commis-  
sioners of  
Her Majesty's  
Customs,  
Surveyors-  
general, &c.  
may examine  
Witnesses on  
Oath.

False Oath  
deemed Per-  
jury.

general or Inspectors-general of the Customs, or such Collector and Comptroller, or such person or persons, in conformity to the directions of this Act, every such person so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt Perjury.

5

30.  
Lands and  
Buildings  
already taken  
for the service  
of Her Ma-  
jesty's cus-  
toms to be  
vested in the  
Secretary of  
the Customs  
for the time  
being.

And be it Enacted, That all manors, messuages, buildings, lands, tenements and hereditaments which have heretofore been purchased, acquired or taken for the use and service of Her Majesty's Customs, together with the rights, members, easements and appurtenances to the same respectively belonging (other than and except 10  
such messuages, lands, tenements and hereditaments as may be of copyhold tenure), shall be and become and remain and continue vested in the Secretary for the time being to the Commissioners of Her Majesty's Customs, and his respective successors as Secretaries in 15  
such service, according to the respective nature and quality of the said manors, messuages, buildings, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively in trust for Her Majesty, Her heirs and successors, for the use and service of Her Majesty's Customs in the said United Kingdom.

31.  
And all  
Lands, &c., to  
be hereafter  
purchased,  
for the  
use of the  
Customs.

And be it Enacted, That all other manors, messuages, build- 20  
ings, lands, tenements and hereditaments (other than and except as aforesaid) which shall at any time or times hereafter be purchased for the use and service of Her Majesty's Customs, with the rights, members, easements and appurtenances to the same 25  
respectively belonging, shall in like manner be and become, and remain and continue vested in the Secretary for the time being to the said Commissioners, and his successors as Secretaries in such service, according to the respective nature and quality of the said manors, messuages, building, lands, tenements and hereditaments, and the 30  
several estates and interests of and in the same respectively in trust as aforesaid.

32.  
Secretary,  
under autho-  
rity of Com-  
missioners,  
may sell or  
let Lands  
vested in  
them.

And be it Enacted, That it shall and may be lawful for the said Secretary for the time being, by and under the authority and direction of the said Commissioners, (testified by writing under their hands and seals), to sell, exchange or in any manner dispose of, or to 35  
let, set or demise as well any of the freehold and leasehold manors, messuages, buildings, lands, tenements and hereditaments respectively, which shall for the time being be vested in them respectively, under and by virtue of this present Act, with their respective appurtenances, as also any of the copyhold messuages, buildings, lands, tenements 40  
and hereditaments which shall have been surrendered to and vested in any person or persons, and his, her or their heirs and assigns in trust for Her said Majesty, or any of Her predecessors, his, Her or their heirs or successors for the use and service of Her Majesty's Customs in the said

said United Kingdom, or any of them, either by public auction or private contract, and as to the said freehold and leasehold manors, messuages, lands, tenements and hereditaments, that it shall and may be lawful to and for the said Secretary for the time being, and as to the said copyhold messuages, lands, tenements and hereditaments, that it shall and may be lawful to and for the said person or persons in whom the same shall be vested as aforesaid in due form of law, to convey, surrender, assign, make over, or to grant or demise the same respectively, or any of them, as the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to carry into execution any contract or contracts already entered into for the sale of any such freehold, copyhold or leasehold messuages, lands, tenements or hereditaments as aforesaid, with such alterations or variations as the said Commissioners for the time being, or any Two or more of them shall, by writing under their hands, direct, and for that purpose to make and execute all such conveyances, assurances and agreements as may be thought proper, and also to do any other act, matter or thing in relation to any such manors, messuages, buildings, lands, tenements and hereditaments, which shall by the said Commissioners be deemed beneficial for the public service in relation thereto, or for the better management thereof, and which might be done by any person or persons having a like interest in any such manors, messuages, lands, tenements or hereditaments.

And be it Enacted, That the monies to arise and be produced by sales or exchange of any of the said manors, messuages, lands, tenements or hereditaments which shall be sold or exchanged or conveyed under the provisions of this present Act, including the monies already paid by way of deposit for the purchase of any hereditaments already contracted to be sold, and the residue of the monies to be received in respect or on account of such contract, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making such exchange, under the Receiver General of Her Majesty's Customs for the time being, or to such person or persons as the said Commissioners for the time being, or any *Four* or more of them, shall direct or appoint to receive the same, in trust for Her Majesty, Her heirs and successors, for the use and service of the said Customs; and that the receipt of the said Receiver General, or such other person or persons as aforesaid, for such monies (such receipt to be endorsed on every such conveyance, surrender or assignment as aforesaid) shall effectually discharge the purchaser or purchasers, or person or persons, by whom or on whose account the same shall be so paid.

33.  
Monies produced by Sale of such Lands to be paid to the Receiver General.

And be it Enacted, That immediately from and after the payment of such purchase-money, and the execution of every such conveyance

34.  
After payment, Purchasers to stand pos-

essed of the  
Lands, &c.

veyance, surrender and assignment as aforesaid, the purchaser or purchasers therein named, shall be deemed and adjudged to stand seised and possessed of the manors, messuages, lands, tenements and hereditaments which shall be so purchased by and conveyed, surrendered, assigned or made over to him, her or them respectively, freed and absolutely discharged of and from all and all manner of prior estates, leases, rights, titles, interests, charges, incumbrances and demands whatsoever, which can or may be had, made or set up, in, to, out of or upon or in respect of the same manors, messuages, lands, tenements and hereditaments by any person or persons whomsoever, by from or under or in trust for Her Majesty, her heirs and successors, on any account whatsoever, save and except such estates, leases, rights, titles, interests, charges, incumbrances, claims and demands, if any, as in any such conveyance, surrender or assignment shall be excepted.

35.  
Treasury  
may autho-  
rize Persons  
to survey  
and mark out  
Lands for  
Watch-  
houses, &c.

And be it Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury for the time being from time to time, by any writing under their hands, to authorize any person or persons to survey and mark out any lands not exceeding *One-half* acre at any one station which are or may be wanted for the purposes of erecting and maintaining watch-houses, dwelling-houses and other buildings requisite and necessary for the security and protection of the Revenues of Customs and Excise, with all necessary ways unto and from the same or any or either of them, such lands being situated within *Half-a-mile* of the sea-shore or of the tideway of any navigable river, and to authorize any person or persons by warrant as aforesaid to treat and agree with the owner or owners of, or any person or persons interested in any such lands, or any messuages, tenements, hereditaments or premises which may be requisite and necessary as aforesaid for the possession thereof for such time or term of years as the public service shall require.

36.  
Bodies politic,  
&c. may  
contract for  
the Sale.

And be it Enacted, That it shall be lawful for all bodies politic or corporate, ecclesiastical or civil, and all feoffees or trustees for charitable or other public purposes, and for all tenants for life and tenants in tail, and for the husbands, guardians, trustees, committees, curators or attornies of such of the owners or proprietors of or persons interested in any such lands, messuages, tenements, hereditaments or premises required for such public service as shall be females covert, infants, lunatics, idiots or persons beyond the seas, or otherwise incapable of acting for themselves, to contract and agree with such person or persons authorized as aforesaid for the grant of any lease of such lands, messuages, tenements, hereditaments or premises, either for any term of years certain therein, or for such periods as the public service shall require, and to demise or grant the same unto the said Commissioners of Her Majesty's Treasury in trust for Her Majesty, Her heirs and successors accordingly; and all such

such leases and agreements shall be valid and effectual in law to all intents and purposes whatsoever.

And be it Enacted, That in case any such bodies or other persons hereby authorized to contract on behalf of themselves or others as  
 5 aforesaid, or any other person or persons interested in any such lands so marked out, or in any messuages, tenements, hereditaments or premises required as aforesaid, shall, for the space of Fourteen Days next after notice in writing, subscribed by such person or persons authorized as aforesaid, shall have been given to the principal officer  
 10 or officers of any such body, or to such other persons hereby authorized to contract on behalf of others or interested themselves as aforesaid, or left at his, her or their usual place of abode, refuse or decline to treat or agree, or by reason of absence shall be prevented from treating or agreeing with such person or persons authorized as aforesaid,  
 15 or shall refuse to accept such annual rent or sum as shall be offered for the hire thereof either for a time certain, or for such period as the public service may require, and in case also it shall not be practicable to procure, by voluntary bargain or sale, any other land situate as aforesaid, or any messuages, tenements, hereditaments or premises  
 20 required as aforesaid, and suited to the purpose for which such lands, messuages, tenements, hereditaments or premises are required, then and in such case it shall be lawful for Two or more Justices, or Three or more Deputy Lieutenants (one of whom shall be a Justice of the Peace), or Two or more Deputy Governors for the county, riding, stewartry,  
 25 city or place wherein such lands, tenements, hereditaments, messuages or premises shall be, to put Her Majesty's officers in possession of such lands, messuages, tenements, hereditaments or premises, and for that purpose to issue a warrant under their hands and seals requiring possession to be delivered to such of Her Majesty's officers as shall be named  
 30 in the said warrant, and it shall also be lawful for such person or persons so authorized as aforesaid, to require the said Justices, Deputy Lieutenants or Deputy Governors of such county, riding, stewartry, city, liberty or place, to issue their warrant to the Sheriff or Sheriffs of the county, riding, stewartry, city or place wherein such lands,  
 35 messuages, tenements, hereditaments or premises shall be situate, to summon a jury, and every such Sheriff or Sheriffs is and are hereby authorized and required to summon and return a jury properly qualified, of the number of Twenty-four, and in the manner required by the Laws of England, Ireland and Scotland respectively, who shall  
 40 meet at some convenient time and place, to be mentioned in such summons, out of whom a Jury of Twelve shall be drawn in such manner as juries for the trial of issues joined in Her Majesty's Courts at Westminster and Dublin, are drawn by law in England or Ireland respectively, and in such manner as juries are drawn by law for the trial of offences in Scotland, and in case a sufficient number shall

37.

Persons refusing to sell or to accept the consideration offered, Two Justices may put Her Majesty's Officers into possession, and a Jury shall be summoned, who shall find the compensation to be made.

not appear, the Sheriff or Sheriffs shall choose others of the by-standers, or that can speedily be procured, being qualified as aforesaid; and the said jurymen may be challenged by the parties on either side, but not the array, and the said Justices, Deputy Lieutenants or Deputy Governors respectively, on the application of the said persons so authorized, or of any parties concerned, may and shall summon witnesses, and adjourn any such meeting, if jurymen or witnesses do not attend, and the jury on hearing any witnesses and evidence that may be produced shall on their oaths (which oaths, as also the oaths of such witnesses, the said Justices, Deputy Lieutenants or Deputy Governors respectively are hereby empowered and required to administer) find the compensation to be paid for the possession or use of such lands, as the case may be. 5 10

38.  
Lands that  
are suitable  
may be taken  
in lieu of such  
as have been  
marked out.

Provided always, and be it Enacted, That if the owner or owners of any lands, messuages, tenements, hereditaments or premises so required, or any person or persons interested therein, shall at any time before the summoning of such jury as aforesaid, give notice in writing of any other lands situate as aforesaid, and of any other messuages, tenements, hereditaments or premises so required as aforesaid, and suited to the purpose for which such lands are required, and which the owner or owners thereof, or persons interested therein, are willing to treat and agree for, then and in such case the jury so to be summoned shall previously find the facts, whether the lands so indicated in such notice are situate within the distance aforesaid, and are suited to the purpose for which such lands, tenements, hereditaments, messuages or premises may be required, and whether the owner or owners thereof, or persons interested therein, are willing to treat and agree for the same, and if they shall so find, the owner or owners of, or persons interested in, the lands so surveyed or marked out as aforesaid, or of the messuages, tenements, hereditaments or premises so required, shall not be compellable by virtue of this Act to sell or dispose of the same: Provided also, That where the owner or owners of, or persons interested in, any lands, messuages, tenements, hereditaments or premises, required by virtue of this Act to be given up for the purposes aforesaid, shall prefer to sell the same outright, and shall be able to make a good title to the fee-simple thereof, it shall be lawful for them to insist on so doing; and in such case the jury so summoned as aforesaid shall find the value of the fee-simple of such lands, tenements, messuages, hereditaments or premises, and the same shall be paid to the owner or owners thereof, or persons interested therein, in the manner directed by this Act. 15 20 25 30 35 40

39.  
If any person  
be dissatisfied  
with verdict,  
appeal may  
be made to

Provided also, and be it Enacted, That if the said Commissioners of Her Majesty's Treasury, or any person interested therein, shall be dissatisfied with the verdict of any such jury, it shall be lawful for them

them or their attornies in England and Ireland to apply to the Court of  
 Exchequer at Westminster or Dublin respectively in the next term,  
 and in Scotland to apply within *Fourteen Days* after the finding  
 any such verdict to the Court of Session in Scotland in time of Session,  
 5 or Lord Ordinary on the bills in time of vacation, to suggest to the said  
 Courts or Lord Ordinary respectively that they have reason to be dis-  
 satisfied with such verdict, and forthwith to give notice thereof to the  
 said Commissioners or party (as the case may be), and thereupon in  
 England and Ireland the proceedings that shall have been had, and the  
 10 verdict of such jury, shall be returned into the said Courts of Exche-  
 quer respectively; and if it shall appear to the said Courts to be  
 proper, a suggestion shall be entered on such proceedings as aforesaid,  
 and a writ shall thereupon, by rule of such Court, or order of any  
 Judge of such Court, be directed to the Sheriff of such county where  
 15 the lands shall lie, or the messuages, tenements, hereditaments or  
 premises shall be, or if the same shall lie or be in two counties, to the  
 Sheriff of either of such counties, to summon either a common or  
 special jury, according to the application that shall have been made  
 on that behalf, and as the Court or such Judge shall allow, and who  
 20 shall respectively be qualified according to law to appear before the  
 said Justice of Assize or Nisi Prius of that county at the next assizes  
 or sittings of Nisi Prius, if the same shall not happen sooner than  
*Twenty-one Days* after such suggestion, otherwise at the next succeed-  
 ing assizes or sittings, and the compensation to be paid for the pos-  
 25 session or use of such lands, messuages, tenements, hereditaments or  
 premises, shall at such assizes or sittings be ascertained by such jury  
 in like manner as any damages may be inquired of upon any inquisi-  
 tion or inquiry of damages by any jury before any Judge of Assize  
 or Nisi Prius, and the verdict of such jury shall be returned to the  
 30 said Courts of Exchequer, and shall be final and conclusive; and in  
 Scotland if it shall appear proper to the said Court of Session or Lord  
 Ordinary upon such application so to do, the said Court or Lord Ord-  
 inary shall order and direct the Sheriff of the county where such lands,  
 messuages, tenements, hereditaments or premises shall lie and be, or  
 35 if the same shall lie or be in two counties, the Sheriff of either of  
 such counties, to summon another jury in the manner in which juries  
 are summoned in Scotland, properly qualified according to law, to  
 appear before the Lords or Lord of Justiciary at the next circuit, if  
 the same shall not happen sooner than *Twenty-one Days* after such  
 40 application, otherwise the next succeeding circuit, and the compensa-  
 tion as aforesaid for the land, messuages, tenements, hereditaments  
 and premises shall at such circuit be ascertained by a jury drawn  
 from a jury summoned as aforesaid in such manner as juries are  
 drawn in Scotland, under the direction of the said Lords or Lord or  
 Justiciary as aforesaid, and the verdict of such last-mentioned juries  
 shall

the Court of  
 Exchequer  
 in England or  
 Ireland, or to  
 the Court of  
 Session, &c.  
 in Scotland.

shall be final and conclusive without being subject to review or challenge of any kind, unless the court that shall have allowed such inquiry shall think fit on any application made within *Four Days* after the commencement of the succeeding term or session if in Scotland to order any new trial in relation thereto.

5

40.  
Jury, in  
ascertaining  
compensation  
for Premises,  
to settle pro-  
portion to be  
paid to  
Lessees.

Provided always, and be it Enacted, That it shall be lawful for any jury impannelled before any Justice of the Peace, Magistrate, Deputy Lieutenant or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the compensation to be paid for any lands under this Act, and they are hereby required to ascertain and settle the proportion to be paid out of such compensation to any person or persons having any interest as lessees or tenants-at-will or otherwise, in any such lands, and the proportion to be paid out of such compensation shall be returned on the verdict: Provided also, That where any such inquiry before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary shall be had on the application of any such lessee or tenant-at-will, or other person having any inferior interest in any such lands, messuages, tenements, hereditaments or premises who may have been dissatisfied with the proportion of compensation settled by the jury to be paid in respect of such interest, it shall not be lawful for the jury in any such case to alter the amount of the entire compensation awarded by any former verdict to be paid for such lands, messuages, tenements, hereditaments or premises, but only the proportion thereof to be paid to the person or persons having separate interests therein; and it shall not be lawful for any jury, on any inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any compensation, on the application of the said Commissioners of Her Majesty's Treasury, in any case in which the whole compensation awarded by the former jury is confirmed by the jury on such inquiry, to alter the proportion that shall have been settled by any such former jury, as to any separate interest in any such lands, tenements, messuages, hereditaments or premises.

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41.  
Security to  
be given for  
Costs.

Provided also, and be it Enacted, That it shall be lawful for the Court or Judge or Lord Ordinary making any such rule or order, to require that the party on whose application the same shall be made, shall give such security as shall to such Court, Judge or Lord Ordinary seem proper for payment of costs under such circumstances as shall be specified in any rule or order made for that purpose.

40

42.  
Upon deliver-  
ing up Lands  
to the Owners  
all Erections  
for the public

And be it Enacted, That in all cases where any lands shall be taken under the provisions of this Act for any term of years, or for such period only as the public service shall require, it shall be lawful for

for

for the Commissioners of Her Majesty's Treasury, or any other person or persons so authorized as aforesaid, at any time before the possession of any lands which shall have been taken for the purposes aforesaid, shall be delivered up to the owner or owners thereof, or other person or persons acting on his or their behalf, to take down and remove all such buildings or other erections which shall or may have been built or erected thereon for the public service, and to carry away the materials thereof, making such compensation to the owner or owners of such lands, or other person or persons acting on his, her or their behalf for the damage or injury which may have been done thereto, or to the soil thereof, by the erection of any such buildings, or removing and carrying away the same or otherwise, in consequence of the same having been occupied for the public service, as the said Commissioners of Her Majesty's Treasury, or such other person or persons authorized as aforesaid, shall think reasonable, and as shall be agreed upon in that behalf; and if such owner or owners, or other person or persons acting on his, her or their behalf, shall not be willing to accept the compensation so offered, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or other person or persons so authorized as aforesaid, to apply to and require Two Justices of the Peace of the county, riding, stewartry, city or place, to settle and ascertain the compensation which ought to be made for such damage or injury as aforesaid, and such Justice shall settle and ascertain the same accordingly, and shall grant a certificate thereof, and the amount of such compensation so settled and ascertained and certified, shall forthwith be paid by warrant of the Commissioners of Her Majesty's Treasury, or any Three or more of them, to the person or persons entitled thereto: Provided always, That nothing in this Act shall extend, or be construed to extend, to alter, prejudice or affect any agreement which hath been or shall or may be entered into by any such person or persons authorized as aforesaid with any owner or owners of any such lands, or other person or persons acting on his, her or their behalf, in relation to any such buildings or erections; but every such agreement shall remain valid and effectual in like manner as if this Act had not passed.

Service to be removed, making Compensation to Owners.

And be it Enacted, That in all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury to be paid or given for the use or possession of any lands, messuages, tenements, hereditaments or premises taken by virtue of this Act belonging to any person or persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the Commissioners of Her Majesty's Treasury, or any Three of them, into the hands of the proper Officer of Her Majesty's Court of Exchequer

43.  
Purchase-money belonging to incapacitated persons, &c. to be paid to the proper officer of the Exchequer for their use.

at Westminster, Edinburgh or Dublin respectively for the time being for receiving the monies belonging to the suitors of the said Court respectively for the use and benefit of such person or persons; and such Officer is hereby authorized and required to receive or accept and to give a discharge for such money, and upon the acceptance or receipt thereof, to sign a certificate to the Barons or Judges of the said Courts of Exchequer respectively under his hand, purporting and signifying that such money or other consideration was received or accepted by and paid to him in pursuance of this Act for the use and benefit of such person or persons who shall be named and described in such certificate; and the said certificate shall be filed or deposited in the said Court of Exchequer at Westminster, Edinburgh or Dublin respectively, and a true copy thereof signed by such Officer of such Court shall and may be read and allowed as evidence for the purposes hereinafter mentioned; and such Officer of such Court is hereby required, upon receipt of any such sum or sums of money as aforesaid, to pay the same into the Bank of England, or Bank of Scotland, or Royal Bank of Scotland, or Bank of Ireland, as the case may require; and immediately upon the filing or depositing of such certificate, the said lands, messuages, tenements, hereditaments or premises shall be vested in or to the use of Her Majesty, Her heirs and successors.

44-  
Barons of the  
Exchequer,  
&c., on peti-  
tion of parties  
interested, to  
order the  
application of  
Money.

And be it Enacted, That the Barons or Judges of Her Majesty's Court of Exchequer at Westminster, and the Barons or Judges of Her Majesty's Court of Exchequer at Edinburgh or Dublin, for the time being respectively, or any Two or more of them, shall be and they are hereby authorized and empowered in a summary way, upon motion or by petition for and on behalf of any person or persons interested in or entitled to the benefit of the money so paid to and received by the proper officer of the said Courts respectively, or the interest or produce thereof, and upon reading the certificate directed to be signed by the said officer concerning the same as aforesaid, and receiving such further satisfaction as they shall think necessary, to make and pronounce such orders and directions for paying the said money, or any part of the same, or for placing out such part thereof as shall be principal in the public funds, or upon Government or real securities, and for payment of the dividends or interest thereof, or any part thereof to the respective persons entitled to receive the same, or for laying out the principal or any part thereof, in the purchase of other lands to be conveyed and settled to, for and upon the same uses, trusts, intents and purposes, as the said lands so taken stood settled at the time of the payment of such money as aforesaid, as near as the same can be done, or otherwise concerning the disposing of the said money or any part thereof, and the interest of the same or any part thereof, for the benefit of the person or persons respectively, or for

for appointing any person or persons to be Trustee or Trustees for all or any of such purposes as the said courts respectively shall think just and reasonable.

5 And be it Enacted, That upon the death, removal or resignation of any such officer of the said Courts of Exchequer, all stocks and securities vested in him by virtue of this Act, shall vest in the succeeding officer of the Exchequer for the purposes hereinbefore mentioned, without any assignment or transfer and all monies paid in the said banks respectively, in pursuance of this Act, or remaining in 10 the hands of any such officer at his death, resignation or removal, and not vested in the funds, or placed out on securities as aforesaid, shall be paid over to the succeeding officer for the like purpose for the time being.

45.  
On the death, removal or resignation of Officer of Exchequer, Stocks and Securities shall vest in Successor.

15 Provided always, and be it Enacted, That nothing in this Act contained shall be construed to extend to any garden or pleasure-ground, or to any land immediately contiguous to and used as the curtilage or homestead of any dwelling-house.

46.  
Gardens not to be affected.

20 And be it Enacted, That every order, document, instrument or writing, relating to the customs, or to the law of navigation required by any law at any time in force to be under the hands of the Commissioners of Her Majesty's Treasury, being signed by Three or more of such Commissioners, shall be deemed to be an order, document, instrument or writing, under the hands of the Commissioners of Her Majesty's Treasury accordingly.

47.  
Documents signed by Three Commissioners of the Treasury to be deemed the act of the whole Commissioners.

25 And be it Enacted, That this Act shall be registered in the Royal Court of the Island of Jersey, and that the said Royal Court shall have full power and authority, and is hereby required to register the same.

48.  
Act to be registered in Royal Court of Jersey.

And be it Enacted, That this Act may be altered, varied or repealed by any Act to be passed in the present Session of Parliament.

49.  
Act may be altered this Session.

*Customs Management.*

A

B I L L

For the Management of the Customs.

(Prepared and brought in by  
*Mr. Greene, Mr. Chancellor of the Exchequer,  
and Mr. Cardwell.*)

*Ordered, by The House of Commons, to be Printed,  
18 July 1845.*

529.

*Under 3 oz.*



A

# B I L L

## For the General Regulation of the Customs.

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[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

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**W**H ~~HEREAS~~ an Act was passed in the Session of Parliament holden in the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act for the general Regulation of the Customs,” whereby the Laws of Customs in relation to the general regulation of the Customs were consolidated :

Preamble :

3 & 4 Will. 4,  
c. 52.

And whereas since the passing of the said Act divers parts of Acts for the amendment of the law in this respect have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Act and parts of Acts should be consolidated into one Act ; ~~BE it therefore Enacted~~, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after *the passing of this Act*, the same shall come into and be and continue in full force and operation for the purposes mentioned therein, except where any other commencement is herein particularly directed.

1.  
Commence-  
ment of Act.

*Inwards.*  
General Pro-  
vision.

AND whereas it is expedient that the officers of Customs should have full cognizance of all ships coming into any port in the United Kingdom or in the Isle of Man, or approaching the coasts thereof, and of all goods on board or which may have been on board such ships, and also of all goods unladen from any ship in any port or place in the United Kingdom or in the Isle of Man ; BE it therefore Enacted, That no goods shall be unladen from any ship arriving from

2.  
No goods to  
be landed nor  
bulk broken  
before Report  
and Entry.

*Inwards.**General  
Provision.*

Times and  
places of land-  
ing and care  
of officers.

Goods not  
reported or  
entered for-  
feited.  
If bulk  
illegally  
broken, Mas-  
ter to forfeit  
£. 100.

Certain arti-  
cles may be  
landed with-  
out Entry.

*Manifest.*

3.  
All British  
ships to have  
Manifests.

Particulars of  
Manifest.

parts beyond the seas at any port or place in the United Kingdom or in the Isle of Man, nor shall bulk be broken after the arrival of such ship within Four Leagues of the coasts thereof respectively, before due report of such ship and due entry of such goods shall have been made, and warrant granted in manner hereinafter directed; and that 5  
no goods shall be so unladen, except at such times and places, and in such manner and by such persons, and under the care of such officers as is and are hereinafter directed; and that all goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited; and if bulk be broken contrary hereto, the Master of such ship shall 10  
forfeit the sum of *One hundred Pounds*; and if, after the arrival of any ship within Four Leagues of the coast of the United Kingdom or of the Isle of Man, any alteration be made in the stowage of the cargo of such ship, so as to facilitate the unloading of any part of such cargo, or if any part be staved, destroyed or thrown overboard, or 15  
any package be opened, such ship shall be deemed to have broken bulk: Provided always, That the several articles hereinafter enumerated may be landed in the United Kingdom, without report, entry or warrant; (that is to say) diamonds and bullion, fresh fish of British taking, and imported in British ships, and lobsters, fresh, however 20  
taken or imported.

And be it Enacted, That no goods shall be imported into the United Kingdom or into the Isle of Man, from parts beyond the seas, in any British ship, unless the Master shall have on board a manifest of such goods made out and dated and signed by him at the place or respective 25  
places where the same, or the different parts of the same, was or were taken on board and authenticated in the manner hereinafter provided; and every such manifest shall set forth the name and the tonnage of the ship, the name of the Master, and of the place to which the ship belongs, and of the place or places where the goods were taken on 30  
board respectively, and of the place or places for which they are destined respectively, and shall contain a particular account and description of all the packages on board, with the marks and numbers thereon, and of the sorts of goods and different kinds of each sort contained therein, to the best of the Master's knowledge; and the 35  
general denomination of the contents of every package containing the following articles imported from any foreign place in Europe, namely, cambrics or lawns, leather gloves, manufactures of silk, tobacco, cigars or snuff, and the particulars of such goods as are stowed loose, and the names of the respective shippers and consignees, as far as the 40  
same can be known to the Master; and to such particular account shall be subjoined a general account or recapitulation of the total number of the packages of each sort, describing the same by their usual names, or by such descriptions as the same can best be known by, and the different goods therein, and also the total quantities of the

the different goods stowed loose; and that all such cambrics or lawns, leather gloves, manufactures of silk, tobacco, cigars or snuff not so manifested shall be forfeited.

*Inwards.**Manifest.*

5 And be it Enacted, That before any ship shall be cleared out or depart from any place in any of the British possessions abroad, with any goods for the United Kingdom or for the Isle of Man, the Master of such ship shall produce the manifest to the Collector or Comptroller of the Customs, or other proper officer, who shall certify upon the same the date of the production thereof to him: Provided always,  
10 That in all places within the territorial possessions of the East India Company, the Collector of Sea Customs or other proper officer shall authenticate the manifest as aforesaid.

4.  
Manifest to be produced to officers in Colonies.

And be it Enacted, That if any goods shall be imported into the United Kingdom or into the Isle of Man in any British ship, without  
15 such manifest, or if any goods contained in such manifest be not on board, the Master of such ship shall forfeit the sum of *One hundred Pounds*.

5.  
Manifest if wanting, or if goods missing, Master to forfeit £. 100.

And be it Enacted, That the Master of every ship required to have a manifest on board, shall produce such manifest to any officer of the  
20 Customs who shall come on board his ship after her arrival within Four Leagues of the coast of the United Kingdom or of the coast of the Isle of Man, and who shall demand the same for his inspection; and such Master shall also deliver to any such officer who shall be the first to demand it, a true copy of such manifest, signed by the  
25 Master, and shall also deliver another copy to any other officer of the Customs who shall be the first to demand the same within the limits of the port to which such ship is bound; and thereupon such officers respectively shall notify on such manifest and on such copies the date of the production of such manifest and of the receipt of such  
30 copies, and shall transmit such copies to the Collector and Comptroller of the port to which such vessel is first bound, and shall return such manifest to the Master; and if such Master shall not in any case produce such manifest or deliver such copy, he shall forfeit the sum of *One hundred Pounds*.

6.  
Manifest to be produced within Four Leagues;

and copies delivered to officers.

Copies to be transmitted to port of destination.

Master not producing to forfeit £. 100.

*Report.*

35 And be it Enacted, That the Master of every ship arriving from parts beyond the seas at any port in the United Kingdom or in the Isle of Man, whether laden or in ballast, shall within *Twenty-four* Hours after such arrival, and before bulk be broken, make due report of such ship, and shall make and subscribe a declaration to the  
40 truth of the same before the Collector or Comptroller of such port; and such report shall contain an account of the particular marks,

7.  
Master, with in Twenty-four Hours and before breaking bulk, shall report.

Particulars of Report.

*Inwards.**Report.*

numbers and contents of all the different packages or parcels of the goods on board such ship, and the particulars of such goods as are stowed loose, to the best of his knowledge, and the general denomination of the contents of every package containing the following articles imported from any foreign place in Europe; namely, cambrics 5  
or lawns, leather gloves, manufactures of silk, tobacco, cigars or snuff, and of the place or places where such goods were respectively taken on board, and of the burthen of such ship, and of the country where such ship was built, or if British, of the port of registry, and of the country 10  
of the people to whom such ship belongs, and of the name and country of the person who was Master during the voyage, and of the number of the people by whom such ship was navigated, stating how many are subjects of the country to which such ship belongs, and how many are of some other country; and in such report it shall be further declared, whether and in what cases such ship has broken 15  
bulk in the course of her voyage, and what part of the cargo, if any, is intended for importation at such port, and what part, if any, is intended for importation at another port in the United Kingdom, or at another port in the Isle of Man respectively, and what part, if any, is prohibited to be imported, except to be warehoused for exportation 20  
only, and what part, if any, is intended for exportation in such ship to parts beyond the seas, and what surplus stores or stock remain on board such ship, and if a British ship, what foreign-made sails or cordage, not being standing or running rigging, are in use on board such ship; and the Master of any ship who shall fail to make such 25  
report, or who shall make a false report, shall forfeit the sum of *One hundred Pounds*.

Penalty on  
failure, £.100.

8.  
Bond to  
maintain  
Africans.

Provided always, and be it Enacted, That the Master of every vessel coming from the coast of Africa, and having taken on board at any place in Africa any person or persons being or appearing 30  
to be natives of Africa, shall, in addition to all other matters, state in the report of his vessel how many such persons have been taken on board by him in Africa; and any such Master failing herein shall forfeit the sum of *One hundred Pounds*: Provided also, That the Master or Owner or Owners of such vessel, or some or one of them, at 35  
the time of making such report, be required to enter into bond to Her Majesty in the sum of *One hundred Pounds*, conditioned to keep harmless any parish or any extra-parochial or other place maintaining its own poor, against any expense which such parish or other place may be put to in supporting any such person during their stay in the 40  
United Kingdom; and any such Master, Owner or Owners refusing or neglecting to enter into such bond, shall forfeit the sum of *Two hundred Pounds*.

And

## 9.

Packages reported "contents unknown" may be opened and examined.

And be it Enacted, That if the contents of any package so intended as aforesaid for exportation in the same ship to parts beyond the seas, shall be reported by the Master as being unknown to him, it shall be lawful for the officers of the Customs to open and examine such package on board, or to bring the same to the Queen's warehouse for that purpose; and if there be found in such package any goods which may not be entered for home use, such goods shall be forfeited, or if the goods be such as may be entered for home use, the same shall be chargeable with the duties of importation, unless in either case the Commissioners of Her Majesty's Customs, in consideration of the sort or quality of such goods, or the small rate of duty payable thereon, shall see fit to deliver the same for exportation.

## 10.

Master to deliver Manifest;

and if required, Bill of Lading or copy; and answer questions as to voyage;

on failure, Master to forfeit £.100.

And be it Enacted, That the Master of every ship shall, at the time of making such report, deliver to the Collector or Comptroller the manifest of the cargo of such ship, where a manifest is required, and if required by the Collector or Comptroller shall produce to him any bill or bills of lading, or a true copy thereof, for any and every part of the cargo laden on board, and shall answer all such questions relating to the ship and cargo, and crew and voyage, as shall be put to him by such Collector or Comptroller; and in case of failure or refusal to produce such manifest, or to answer such questions, or to answer them truly, or to produce such bill of lading or copy, or if such manifest or bill of lading or copy shall be false, or if any bill of lading be uttered or produced by any Master, and the goods expressed therein shall not have been bonâ fide shipped on board such ship, or if any bill of lading uttered or produced by any Master shall not have been signed by him, or any such copy shall not have been received or made by him previously to his leaving the place where the goods expressed in such bill of lading or copy were shipped, then and in every such case such Master shall forfeit the sum of *One hundred Pounds*.

## 11.

Part of cargo reported for another port.

And be it Enacted, That if any part of the cargo of any ship, for which a manifest is required, be reported for importation at some other port in the United Kingdom, or at some other port in the Isle of Man respectively, the Collector and Comptroller of the port at which some part of the cargo has been delivered, shall notify such delivery on the manifest, and return the same to the Master of such ship.

## 12.

Ship to come quickly to place of unloading, and bring to at stations for boarding officers.

And be it Enacted, That every ship shall come as quickly up to the proper place of mooring or unlading as the nature of the port will admit, and without touching at any other place, and in proceeding to such place, shall bring to at stations appointed by the Commissioners of Her Majesty's Customs for the boarding of ships by the officers of the Customs; and after arrival at such place of mooring or unlading, such ship shall not remove from such place, except directly to some

Mooring  
places for  
tobacco ships.

other proper place, and with the knowledge of the proper officer of the Customs, on penalty of *One hundred Pounds*, to be paid by the Master of such ship : Provided always, That it shall be lawful for the Commissioners of Her Majesty's Customs to appoint places to be the proper places for the mooring or unlading of ships importing tobacco, and where such ships only shall be moored or unladen ; and in case the place so appointed for the unlading of such ships shall not be within some dock surrounded with walls, if any such ship, after having been discharged, shall remain at such place, or if any ship not importing tobacco shall be moored at such place, the Master shall, in either case, forfeit and pay the sum of *Twenty Pounds*.

13.  
Goods un-  
shipped from  
the import-  
ing vessel, or  
landed con-  
trary to the  
regulations of  
the Com-  
missioners of  
Customs, for-  
feited.

And be it Enacted, That no goods imported into the United Kingdom from parts beyond the seas shall be unshipped or carried from the importing vessel to any quay, wharf or other place, previously to the examination thereof, except under such rules, regulations and restrictions as the Commissioners of Her Majesty's Customs may from time to time, with the approbation of the Commissioners of Her Majesty's Treasury, direct and appoint ; and all goods unshipped or carried contrary to such rules, regulations or restrictions, or any of them, shall be forfeited, together with the craft or other means used for the conveyance of any such goods ; and every person knowingly concerned in the unshipping or carrying of such goods, or to whose hands and possession such goods shall knowingly come, contrary to such rules, regulations and restrictions, shall forfeit and pay a sum of *One hundred Pounds*, or *Treble* the value of such goods, at the election of the said Commissioners of Her Majesty's Customs.

Penalty.

14.  
Officers to  
board ships ;

to have free  
access to all  
parts ;  
may seal or  
secure goods ;  
may open  
locks.

Goods con-  
cealed for-  
feited.

If seal &c. be  
broken,  
Master to  
forfeit £. 100.

And be it Enacted, That it shall be lawful for the proper officers of the Customs to board any ship arriving at any port in the United Kingdom or in the Isle of Man, and freely to stay on board until all the goods laden therein shall have been duly delivered from the same ; and such officers shall have free access to every part of the ship, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship ; and if any place or any box or chest be locked, and the keys be withheld, such officers, if they be of a degree superior to Tidesmen or Watermen, may open any such place, box or chest in the best manner in their power ; and if they be Tidesmen or Watermen, or only of that degree, they shall send for their superior officer, who may open, or cause to be opened, any such place, box or chest in the best manner in his power ; and if any goods be found concealed on board any such ship, they shall be forfeited ; and if the officers shall place any lock, mark or seal upon any goods on board, and such lock, mark or seal be wilfully opened, altered or broken before due delivery of such goods, or if any of such goods be secretly conveyed away,

away, or if the hatchways, after having been fastened down by the officer, be opened, the Master of such ship shall forfeit the sum of *One hundred Pounds*.

- Provided always, and be it Enacted, That if any ship (having com-  
 mission from Her Majesty or from any foreign Prince or State) arriving as aforesaid at any port in the United Kingdom or in the Isle of Man, shall have on board any goods laden in parts beyond the seas, the Captain, Master, Purser, or other person having the charge of such ship or of such goods for that voyage, shall, before any part  
 of such goods be taken out of such ship, or when called upon so to do by any officer of the Customs, deliver an account, in writing, under his hand, to the best of his knowledge, of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account, declaring to the truth thereof, and shall also truly answer to the Collector or Comptroller such questions concerning such goods as shall be required of him, and on failure thereof, such Captain, Master, Purser or other person shall forfeit the sum of *One hundred Pounds*; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the Customs may freely enter and go on board all such ships, and bring from thence on shore, into the Queen's warehouse, any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect of ships of war belonging to Her Majesty as shall from time to time be directed in that respect by the Commissioners of Her Majesty's Treasury.

15.  
 Commissioned ships, British or Foreign, having goods on board, person in charge to deliver an account, or forfeit £. 100.

Such ships liable to search.

Entry.

16.

After Fourteen Days, officer may land goods not entered, and certain goods before Fourteen Days.

- And be it Enacted, That every importer of any goods shall, within *Fourteen Days* after the arrival of the ship importing the same, make perfect entry inwards of such goods, or entry by bill of sight, in manner hereinafter provided, and shall, within such time, land the same; and in default of such entry and landing, it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse; and whenever the cargo of any ship shall have been discharged, with the exception only of a small quantity of goods, it shall be lawful for the officers of the Customs to convey such remaining goods, and at any time to convey any small packages or parcels of goods to the Queen's warehouse, although such *Fourteen Days* shall not have expired, there to be kept waiting the due entry thereof during the remainder of such *Fourteen Days*; and if the duties due upon any goods so conveyed to the Queen's warehouse shall not be paid within *Three Months* after such *Fourteen Days* shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied, first, to the payment of freight and charges, next of duties, and the overplus (if any) shall be paid to the proprietor of the goods.

Duties and Charges not paid in Three Months, goods may be sold.

Entry.

17.  
Where Goods remain on board a Vessel beyond the time allowed by law, the Vessel and Goods may be detained until the Expense of guarding the Goods is paid.

And be it Enacted, That whenever any officer of the Customs shall have been kept in charge of any goods beyond the time allowed by law for the same being entered and landed, it shall be lawful for such officer to detain the vessel in which such goods shall have been imported, provided the same are remaining on board the vessel, until the expenses so incurred shall have been paid to such person as the Commissioners of Her Majesty's Customs shall think fit to appoint to receive the same; and in all cases where the goods shall have been put out of the vessel, the person or persons in whose names the same shall have been entered shall pay to the person so appointed as aforesaid all such expenses as may have been so incurred by such officer, and such goods shall and may be detained until such expenses shall have been paid; and if not paid within One Month after demand made, in writing, of such person or persons by any officer of the Customs, the same shall and may be sold, and the proceeds shall be applied, first, to the payment of the freight and charges, next of the duties, next of the expenses of such officer, and of the charges attending the seizure and sale of such goods, and the overplus, if any, shall be paid to the proprietor of the goods.

18.  
Bill of Entry to be delivered.

And be it Enacted, That the person entering any goods inwards (whether for payment of duty or to be warehoused upon the first perfect entry thereof, or for payment of duty upon the taking out of the warehouse, or whether such goods be free of duty,) shall deliver to the Collector or Comptroller a bill of the entry of such goods, fairly written, or fairly written in part and fairly printed in part, in words at length, expressing the name of the ship and of the Master of the ship in which the goods were imported, and of the place from whence they were brought, and the description and situation of the warehouse, if they are to be warehoused, and the name of the person in whose name the goods are to be entered, and the quantity and description of the goods, and the number and denomination or description of the respective packages containing the goods, and in the margin of such bill shall delineate the respective marks and numbers of such packages, and shall pay down any duties which may be payable upon the goods mentioned in such entry; and such person shall also deliver at the same time Two or more duplicates, as the case may require, of such bill, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bill shall be written, or partly written and partly printed, and arranged in such form and manner, and the number of such duplicates shall be such as the Collector and Comptroller shall require; and such bill being duly signed by the Collector and Comptroller, and transmitted to the Landing-waiter, shall be the warrant to him for the landing and delivering of such goods.

Duplicates.

Bill of Entry signed shall be the warrant.

19.  
Unauthorized persons not to be permitted to make Entries.

And be it Enacted, That every person who shall make or cause to be made any such entry inwards of any goods, not being duly authorized thereto by the proprietor or consignee of such goods, shall

for

*Inwards.**Entry.*

Proviso.

for every such offence forfeit the sum of *One hundred Pounds* : Provided always, That no such penalty shall extend or be deemed to extend to any person acting under the directions of the several dock companies or other corporate bodies authorized by law to pass entries.

- 5 And be it Enacted, That no entry nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, and in  
10 the manifest where a manifest is required, and in the certificate or other document where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are  
15 charged with duty, or may be imported either to be used in the United Kingdom or to be warehoused for exportation only ; and any goods taken or delivered out of any ship or out of any warehouse, or for the delivery of which, or for any order for the delivery of which, from any warehouse, demand shall have been made, not having been duly  
20 entered, shall be forfeited.

20.  
Not valid unless agreeing with Manifest, Report and other documents ;

and description of goods.

Goods not properly entered forfeited.

- And be it Enacted, That if the goods in such entry be charged to pay duty, according to the number, measure or weight thereof, such number, measure or weight shall be stated in the entry ; and if the goods in such entry be charged to pay duty according to the value  
25 thereof, such value shall be stated in the entry, and shall be affirmed by the declaration of the importer, or his known agent, written upon the entry and attested by his signature ; and if the goods in such entry be chargeable, at the option of the officers of Customs, either according to the number, measure or weight thereof, or according to  
30 the value thereof, then as well such number, measure or weight, as also such value, shall be in like manner stated in the entry and attested ; and if any person make such declaration, not being the importer or proprietor of such goods, nor his agent duly authorized by him, such person shall forfeit the sum of *One hundred Pounds* ; and such declaration shall be made in manner and form following, and shall be  
35 binding upon the person by or on behalf of whom the same shall be made ; (that is to say)

21.  
Goods by number, measure or weight.

Goods ad valorem.

Declaration of value.

Penalty on Persons not authorized.

- 40 “ I, A. B., of [place of abode], do hereby declare, That I am [the importer, or authorized by the importer] of the goods contained in this entry, and that I enter the same [stating which if part only] at the sum of  
Witness my hand, the

Form of Declaration.

day of

“ A. B.”

538.

B

And

Goods under-  
valued,  
officers may  
detain.

And be it Enacted, That if upon the examination of any goods for duty, it shall appear to the officers of the Customs that such goods are not valued according to the true value thereof, it shall be lawful for such officers to detain and secure such goods, and within *Seven* Days from the day on which such goods shall be finally examined for duty by the proper officer, if in any port in England, or within *Ten* Days from such last-mentioned day, if in any port in Scotland, Ireland or the Isle of Man, to take such goods for the use of the Crown; and if a different rate of duty shall be charged upon any goods, according as the value of the same shall be described in the entry to be above 10 or to be below any particular price or sum, and such goods shall be valued in the entry, so as to be liable to the lower rate of duty, and it shall appear to the officers of the Customs that such goods, by reason of their real value, are properly liable to the higher rate of duty, it shall be lawful for such officers, in like manner, to take such 15 goods for the use of the Crown; and the Commissioners of Her Majesty's Customs shall thereupon, in any of such cases, cause the amount of such valuation, together with an addition of *Ten Pounds* per centum thereon, and also the duties paid upon such entry, to be paid to the importer or proprietor of such goods in full satisfaction for 20 the same, and shall dispose of such goods for the benefit of the Crown; and if the produce of such sale shall exceed the sums so paid, and all charges incurred by the Crown, one moiety of the overplus shall be given to the officer or officers who had detained and taken the goods, and the money retained for the benefit of the Crown shall 25 be paid into the hands of the Collector of the Customs, with the knowledge of the Comptroller, and carried to account as duties of Customs.

Value of  
Goods entered  
Inwards to be  
stated in the  
Entry, and  
attested by the  
Importer.

AND whereas it is expedient that correct accounts may continue to be taken of the value of the imports of certain goods upon which 30 duty has hitherto been charged according to the value thereof, but upon which goods the duties have been repealed; BE it Enacted, That upon the entry inwards of any such goods, the value thereof shall be stated in the entry, and shall be affirmed by the declaration of the importer, or his known agent, written upon the entry and 35 attested by his signature; and if such declaration be false, the person signing the same shall forfeit a sum not exceeding *Twenty Pounds*; and it shall be lawful for the Landing-waiter, or other officer appointed to examine such goods, to call for the invoice, bills of parcels, and such other documents relating thereto as he may think necessary for 40 ascertaining the true value of the same.

Bill of Sight  
if goods be not  
known.

And be it Enacted, That if the importer of any goods, or his agent, after full conference with him, shall declare before the Collector or Comptroller that he cannot for want of full information make a full

or

Importer to  
examine and  
make perfect  
entry in  
Three Days.

or perfect entry of such goods, and shall make and subscribe a declaration to the truth thereof, it shall be lawful for the Collector and Comptroller to receive an entry by bill of sight for the packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be provisionally landed, and may be seen and examined by such importer in presence of the proper officers; and within *Three Days* after any goods shall have been so landed, the importer shall make a full or perfect entry thereof, and shall either pay down all duties which shall be due and payable upon such goods, or shall duly warehouse the same, according to the purport of the full or perfect entry or entries so made for such goods, or for the several parts or sorts thereof: Provided always, That if, when full or perfect entry be at any time made for any goods provisionally landed as aforesaid by bill of sight, such entry shall not be made in manner herein required for the due landing of goods, such goods shall be deemed to be goods landed without due entry thereof, and shall be subject to the like forfeiture accordingly.

And be it Enacted, That in default of perfect entry within such *Three Days*, such goods shall be taken to the Queen's warehouse by the officers of the Customs; and if the importer shall not within *One Month* after such landing make perfect entry or entries of such goods, and pay the duties thereon, or on such parts as can be entered for home use, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties, (or for exportation, if they be such as cannot be entered for home use, or shall not be worth the duties and charges,) and for the payment of such charges, and the overplus, if any, shall be paid to the importer or proprietor thereof.

And be it Enacted, That in all cases where an entry for landing or examining goods for duty shall be made by bill of sight, the importer or his agent shall, before the same be granted, deposit with the proper officer of the Customs a sum of money sufficient in amount to cover the duties payable on the goods intended to be landed by such bill of sight, and shall make and subscribe a declaration that he has not any reason to believe that the duties on the goods will amount to more than the sum deposited.

And be it Enacted, That if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry or entries is or are made for the whole of the goods contained in such package.

Case in  
which no part  
of the goods  
in a package  
shall be  
delivered  
without per-  
fect Entry of  
the whole.

## Entry.

28.

Importer or  
Agent to  
indorse the  
Bill of Sight  
with parti-  
culars of the  
goods, and  
sign the same.

And be it Enacted, That before any goods in respect of which a bill of sight has been granted shall be delivered out of the custody of the proper officer of the Customs, the importer or his agent shall indorse upon the bill of sight granted for landing or examining the same a particular account thereof, to which he shall affix his signature and place of abode, with the date of making such indorsement ; and such indorsement upon the bill of sight shall, upon being duly signed by the Collector and Comptroller, become the perfect entry for such goods : Provided always, That nothing herein contained shall alter or affect any other of the regulations required by law in respect of bills of entry.

29.

Goods landed  
by Bill of  
Sight fraudu-  
lently con-  
cealed  
forfeited.

And be it Enacted, That where any package or parcel shall have been landed by bill of sight, and any goods or other things shall be found in such package or parcel concealed in any way, or packed with intent to deceive the officers of Her Majesty's Customs, as well all such goods and other things as the package or parcel in which they are found, and all other things contained in such package or parcel, shall be forfeited.

30.

Goods  
damaged on  
voyage.  
Abatement  
of Duties.

And be it Enacted, That if any goods which are rated to pay duty according to the number, measure or weight thereof, (except certain goods hereinafter mentioned,) shall receive damage during the voyage, an abatement of such duties shall be allowed in proportion to the damage so received ; provided proof be made to the satisfaction of the Commissioners of Her Majesty's Customs, or of any officers of Customs acting therein under their directions, that such damage was received after the goods were shipped abroad in the ship importing the same, and before they were landed in the United Kingdom, and provided claim to such abatement of duties be made at the time of the first examination of such goods.

When claim  
to be made.

31.

Officers to  
examine  
damage and  
state propor-  
tion, or choose  
Two Mer-  
chants to  
assess Da-  
mage.

And be it Enacted, That the officers of the Customs shall thereupon examine such goods with reference to such damage, and may state the proportion of damage which in their opinion such goods have so received, and may make a proportionate abatement of duties ; but if the officers of Customs be incompetent to estimate such damage, or if the importer be not satisfied with the abatement made by them, the Collector and Comptroller shall choose Two indifferent merchants, experienced in the nature and value of such goods, who shall examine the same, and shall make and subscribe a declaration, stating in what proportion, according to their judgment, such goods are lessened in their value by reason of such damage ; and thereupon the officers of Customs may make an abatement of the duties according to the proportion of damage so declared by such merchants.

Provided

Provided always, and be it Enacted, That no abatement of duties shall be made on account of any damage received by any of the sorts of goods hereinafter enumerated ; (that is to say)

5	Cantharides. Cocoa. Coculus Indicus. Coffee. Currants.	Opium. Oranges. Pepper. Raisins. Rhubarb. Sarsaparilla.
10	Figs. Guinea Grains. Ipecacuanha. Jalap. Lemons. Nux Vomica.	Senna. Sugar. Tea. Tobacco. Wine.

*Inwards.**Entry.*

32.

No abatement for certain goods.

- 15 And be it Enacted, That it shall be lawful to re-import into the United Kingdom, from any place, in a ship of any country, any goods (except as hereinafter excepted) which shall have been legally exported from the United Kingdom, and to enter the same by bill of store, referring to the entry outwards and exportation thereof, provided the property in such goods continue in the person by whom or on whose account the same have been exported, and that such re-importation take place within *Six Years* from date of the exportation ; and if the goods so returned be foreign goods, which had before been legally imported into the United Kingdom, the same duties shall be payable thereon as would at the time of such re-importation be payable on the like goods under the same circumstances of importation as those under which such goods had been originally imported, or such goods may be warehoused as the like goods might be warehoused upon a first importation thereof : Provided always, That the several sorts of goods enumerated or described in the Table following shall not be re-imported into the United Kingdom for home use, upon the ground that the same had been legally exported from thence, but that the same shall be deemed to be foreign goods, whether originally such or not, and shall also be deemed to be imported for the first time into the United Kingdom ; (that is to say)

33.  
Returned goods, entered by Bill of Store,

if property be not changed.

If foreign goods, Duties to be paid again ;

or goods may be warehoused.

Certain goods may not be returned for home use.

## TABLE of Goods above referred to.

Corn, Grain, Meal, Flour and Malt.

Hops, Tea.

- 40 Goods for which any Bounty or any Drawback of Excise had been received on exportation, unless by special permission of the Commissioners of Her Majesty's Customs, and on re-payment of such Bounty or such Drawback.

- 45 All goods for which bill of store cannot be issued in manner hereinafter directed, except small remnants of British goods, by special permission of the Commissioners of Her Majesty's Customs, upon proof to their satisfaction that the same are British, and had not been sold.

Provided also, That tobacco re-imported by bill of store shall be subject to all the restrictions imposed by law upon tobacco imported into the United Kingdom, and shall be liable to forfeiture if imported contrary to such restrictions.

Returned Tobacco.

*Inwards.**Entry.*

34.

Bill of Store,  
by whom  
may be taken  
out;

to be issued  
by Searcher.

Agent to de-  
clare name  
of his em-  
ployer.  
Consignee to  
declare who  
is proprietor.

Proprietor to  
declare to  
identity and  
property un-  
changed;

then entry by  
Bill of Store  
to be granted.  
Goods, the  
property of  
persons re-  
sident abroad,  
may be en-  
tered by Bill  
of Store, if  
property not  
changed.

And be it Enacted, That the person in whose name any goods so re-  
imported were entered for exportation shall deliver to the searcher at the  
port of exportation an exact account, signed by him, of the particulars  
of such goods, referring to the entry and clearance outwards, and to the  
return inwards of the same, with the marks and number of the pack-  
ages, both inwards and outwards, and thereupon the searcher, finding  
that such goods had been legally exported, shall grant a bill of store for  
the same; and if the person in whose name such goods were entered  
for exportation was not the proprietor thereof, but his agent, he shall  
declare on such bill of store the name of the person by whom he was  
employed as such agent; and if the person to whom such returned  
goods are consigned shall not be such proprietor and exporter, he  
shall make and subscribe a declaration on such bill of store of the  
name of the person for whose use such goods have been consigned to  
him, and the real proprietor, ascertained to be such, shall make and  
subscribe a declaration upon such bill of store to the identity of the  
goods so exported and so returned, and that he was at the time of  
exportation and of re-importation the proprietor of such goods, and  
that the same had not, during such time, been sold or disposed of to  
any other person; and such declaration shall be made before the Col-  
lectors or Comptrollers at the ports of exportation and of importation  
respectively; and thereupon the Collector or Comptroller shall admit  
such goods to entry by bill of store, and grant their warrant accord-  
ingly: Provided always, That where the real proprietor of any such  
goods shall be absent from the United Kingdom at the time of such  
re-importation, such goods, if legally entitled to be entered by bill of  
store, shall be permitted to be so entered upon production of a decla-  
ration subscribed by such real proprietor, setting forth the identity of  
the goods so exported and so returned, and that he was, at the time of  
exportation from the United Kingdom, and will be at the time of re-  
importation thereinto, the proprietor of such goods, and that the same  
have not during such time been sold or disposed of to any other per-  
son, such declaration to be made before a British Consul, Vice Consul  
or other British authority residing in or near the place of residence of  
such real proprietor, and upon such further proof of the identity of  
the goods as the Commissioners of Customs shall require, and upon  
compliance with all the other regulations required by law on the entry  
of goods by bill of store.

35.

Surplus  
Stores subject  
as goods.

And be it Enacted, That the surplus stores of every ship arriving  
from parts beyond the seas in the United Kingdom or in the Isle of  
Man, shall be subject to the same duties and the same prohibitions,  
restrictions and regulations as the like sorts of goods shall be subject  
to when imported by way of merchandize; but if it shall appear to  
the Collector and Comptroller that the quantity or description of such  
stores is not excessive or unsuitable, under all the circumstances of the  
voyage

voyage, it shall be lawful for them to permit such surplus stores to be entered for the private use of the Master, Purser or owner of such ship, or of any passenger of such ship, to whom any such surplus stores may belong, on payment of the proper duties, or to be warehoused for the future use of such ship, although the same could not be legally imported by way of merchandize.

*Inwards.**Entry.*

If not excessive, may be entered for private use, or be warehoused for the use of the ship.

And be it Enacted, That no goods shall be entered as being of or from any British possessions abroad, (if any benefit attach to such distinction), except the territories subject to the government of the Presidencies of Fort William in Bengal, Fort Saint George and Bombay respectively, unless the Master of the ship importing the same shall have delivered to the Collector or Comptroller a certificate under the hand of the proper officer of the place where such goods were taken on board of the due clearance of such ship from thence, containing an account of such goods.

36.  
Goods from Possessions abroad.

Master to deliver Certificate.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, by any order under their hands, to declare that a certificate of production shall be required upon the exportation of any goods from any British possession abroad, or other place, or upon the importation of such goods into the United Kingdom, and to frame such regulations respecting such certificates as they may think fit, and if any goods in respect of which such a certificate shall have been so required, or in respect of which a certificate of production, or any such certificate of clearance as aforesaid, shall be required by any law for the time being in force, shall be imported into the United Kingdom without such certificates respectively, the same shall be deemed and taken to be of foreign growth, produce or manufacture; and all goods so deemed and taken to be of foreign growth, produce or manufacture, and all other goods whatsoever of the growth, produce or manufacture of foreign countries, which shall henceforth be imported into the United Kingdom from any British possession abroad, shall be deemed and taken, so far as respects liability to duties, to have been imported from a foreign country: Provided always, That all Orders of the Commissioners of Her Majesty's Treasury made in pursuance hereof, shall be duly published in the London and Dublin Gazettes Three times at least within *Three* Months from the date of such orders respectively.

37.  
Power to the Lords of the Treasury to require certificates of production.

Goods imported without required certificates deemed foreign; and foreign goods imported from a British Possession deemed to be imported from a foreign country.

And be it Enacted, That before any sugar, coffee, cocoa or spirits shall be entered as being of the produce of some British possession in America or the Island of Mauritius, the Master of the ship importing the same shall deliver to the Collector or Comptroller a certificate, under the hand of the proper officer of the place where such goods were taken on board, testifying that proof had been made in manner

38.  
Certificate of growth of Sugar, Coffee, Cocoa and Spirits.

*Inwards.*Entry.Master to  
declare to  
Certificate.

required by law that such goods are of the produce of some British possession in America or of the Island of Mauritius, stating the name of the place where such goods were produced, and the quantity and quality of the goods, and the number and denomination of the packages containing the same, and the name of the ship in which they are laden and of the Master thereof; and such Master shall also make and subscribe a declaration before the Collector or Comptroller, that such certificate was received by him at the place where such goods were taken on board, and that the goods so imported are the same as are mentioned therein.

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39.  
Certificate of  
Sugar from  
limits of East  
India Com-  
pany's  
Charter.

Master to de-  
clare to certi-  
ficate.

And be it Enacted, That before any sugar shall be entered as being the produce of any British possession within the limits of the East India Company's Charter, the Master of the ship importing the same shall deliver to the Collector or Comptroller a certificate, under the hand and seal of the proper officer at the place where such sugar was taken on board, testifying that a declaration in writing, the contents of which he believed to be true, had been made and signed before him by the shipper of such sugar, that the same was really and bonâ fide the produce of such British possession; and such Master shall also make and subscribe a declaration before the Collector or Comptroller, that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

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40.  
East India  
Sugar ware-  
housed at the  
Cape of Good  
Hope, and  
imported  
from thence.

And be it Enacted, That if any sugar, the produce of any British possession within the limits of the East India Company's Charter, shall have been imported into the Cape of Good Hope from the place of its production, accompanied by such a certificate of origin as would be sufficient for its admission in the United Kingdom at the rate of duty payable upon such sugar if imported direct from the place of its production, and shall have been warehoused at the Cape of Good Hope under the regulations there in force for the warehousing of goods, and shall have been exported from such warehouse, accompanied by a certificate from the proper officer of the Customs at the Cape of Good Hope, setting forth the particulars of the importation and of the warehousing, and of the exportation of the same, and also setting forth the substance of the certificate of origin before mentioned; and if, on the arrival in the United Kingdom of the ship importing such sugar, the Master of such ship shall deliver to the Collector or Comptroller at the port of importation such certificate from the officer of the Customs at the Cape of Good Hope, and shall make and subscribe a declaration before such Collector or Comptroller that such certificate was received by him at the Cape of Good Hope, and that the sugar so imported is the same as is mentioned therein, then such sugar shall be admitted at such port of importation in the United

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United Kingdom at the same rate of duty as would be payable if the same had been imported direct from the place of its production.

- And be it Enacted, That before any wine shall be entered as being the produce of the Cape of Good Hope, the Master of the ship importing the same shall deliver to the Collector or Comptroller a certificate, under the hand of the proper officer at the Cape of Good Hope, testifying that proof had been made in manner required by law that such wine is of the produce of the Cape of Good Hope, or the dependencies thereof, stating the quantity and sort of such wine, and the number and denomination of the packages containing the same; and such Master shall also make and subscribe a declaration before the Collector or Comptroller, that such certificate was received by him at the Cape of Good Hope, and that the wine so imported is the same as is mentioned therein.

41.  
Certificate of  
Wine, pro-  
duce of Cape  
of Good  
Hope.

Master to de-  
clare to Cer-  
tificate.

- And be it Enacted, That any goods of the growth of the Islands of Guernsey, Jersey, Alderney, Sark or Man, and any goods manufactured in the said Islands from materials of the growth of the said Islands, or from materials not subject to duty in the United Kingdom, or from materials upon which the duty has been paid in the United Kingdom, and upon which no drawback has subsequently been granted, and any manufactures of linen or cotton made in and imported from the Isle of Man, may be imported into the United Kingdom from the said Islands respectively, without payment of any duty; and that such goods shall not be deemed to be included in any charge of duties imposed by any Act hereafter to be made on the importation of goods generally from parts beyond the seas: Provided always, That such goods may nevertheless be charged with any proportion of such duties as shall fairly countervail any duties of Excise or any coast duty payable on the like goods, the produce of the part of the United Kingdom into which they shall be imported, or payable upon any of the materials from which such goods are manufactured: Provided also, That all goods manufactured in any of the said Islands from any other materials than the materials aforesaid, except manufactures of linen and cotton made in and imported from the Isle of Man as aforesaid, shall be deemed and taken to be foreign goods.

42.  
Goods of  
Guernsey,  
Jersey, &c,

Duty-free,  
with excep-  
tions.

- And be it Enacted, That before any goods shall be entered as being the produce of the said Islands (if any benefit attach to such distinction), the Master of the ship or vessel importing the same shall deliver to the Collector or Comptroller a certificate from the Governor, Lieutenant-governor or Commander-in-Chief of the Island from whence such goods were imported, that proof had been made in manner required by law, that such goods were of the produce of such Island, stating the quantity and quality of the goods, and the number and denomination

43.  
Master to  
deliver Cer-  
tificate of  
produce, and  
declare to  
Certificate.

denomination of the packages containing the same ; and such Master shall also make and subscribe a declaration before the Collector or Comptroller, that such certificate was received by him at the place where such goods were taken on board, and that the goods so imported are the same as are mentioned therein.

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44.  
Treasury  
may permit  
produce of  
Colonial  
Fisheries to  
be imported  
from  
Guernsey.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, when and so long as they shall see fit, to permit any goods the produce of the British Possessions or Fisheries in North America, which shall have been legally imported into the Islands of Guernsey or Jersey direct from such possessions, to be imported into the United Kingdom for home use direct from those Islands, under such regulations as the said Commissioners shall direct, any thing in the Law of Navigation to the contrary notwithstanding.

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45.  
Vessels with  
Stone from  
Guernsey,  
&c., not to  
be piloted.

And be it Enacted, That no vessel arriving on the coast of England from Guernsey, Jersey, Alderney, Sark or Man, wholly laden with stone, the production thereof, shall be liable to be conducted or piloted by pilots appointed and licensed by the Corporation of the Trinity House of Deptford Strond, any law, custom or usage to the contrary notwithstanding.

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46.  
Fish, British  
taking and  
curing, and  
Lobsters, free  
of Duty on  
Importation.

Declaration  
of Master.

And be it Enacted, That fresh fish of every kind of British taking, and imported in British ships, and fresh lobsters, however taken or in whatever ship imported, and cured fish of every kind, of British taking and curing, imported in British ships, shall be imported free of all duties, and shall not be deemed to be included in any charge of duty imposed by any Act hereafter to be made on the importation of goods generally: Provided always, That before any cured fish shall be entered free of duty, as being of such taking and curing, the Master of the ship importing the same shall make and subscribe a declaration before the Collector or Comptroller that such fish was actually caught and taken in British ships, and cured by the crews of such ships, or by Her Majesty's subjects.

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47.  
Certificate of  
Blubber,  
Train Oil,  
&c., British  
Colonial  
taking.

And be it Enacted, That before any blubber, train oil, spermaceti oil, head matter or whale fins shall be entered as being the produce of fish or creatures living in the sea, taken and caught wholly by Her Majesty's subjects usually residing in some part of Her Majesty's dominions, and imported from some British Possession, the Master of the ship importing the same shall deliver to the Collector or Comptroller a certificate under the hand of the proper officer of such British possession where such goods were taken on board (or if no such officer be residing there, then a certificate under the hands of two principal inhabitants at the place of shipment), notifying that a declaration

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tion

*Inwards.*Entry.Declaration  
of Master and  
Importer.

tion had been made before him or them by the shipper of such goods,  
that the same were the produce of fish or creatures living in the sea,  
taken wholly by British vessels owned and navigated according to law ;  
and such Master shall also make and subscribe a declaration before  
5 the Collector or Comptroller, that such certificate was received by him  
at the place where such goods were taken on board, and that the  
goods so imported are the same as mentioned therein ; and the im-  
porter of such goods shall also make and subscribe a declaration  
before the Collector or Comptroller at the time of entry, that, to the  
10 best of his knowledge and belief, the same were the produce of fish or  
creatures living in the sea, taken wholly by British vessels in manner  
aforesaid.

And be it Enacted, That before any blubber, train oil, spermaceti  
oil, head matter or whale fins imported direct from the fishery shall  
15 be entered as being the produce of fish or creatures living in the sea,  
taken and caught wholly by the crews of British ships cleared out  
from the United Kingdom or from any British possession, the Master  
of such ship importing such goods shall make and subscribe a declara-  
tion, and the importer of such goods (to the best of his knowledge  
20 and belief) shall make and subscribe a declaration, that the same are  
the produce of fish or creatures living in the sea, taken and caught  
wholly by the crew of such ship, or by the crew of some other British  
ship (naming the ship) cleared out from the United Kingdom or from  
any British possession (stating which of such possessions).

48.  
Before entry  
of Blubber,  
&c. of British  
Fishing,  
Master and  
Importer to  
make Decla-  
ration of the  
same.

25 And be it Enacted, That no goods shall be deemed to be imported  
from any particular place, unless they be imported direct from such  
place, and shall have been there laden on board the importing ship,  
either as the first shipment of such goods, or after the same shall have  
been actually landed at such place.

49.  
Importation  
direct.

30 And be it Enacted, That all goods, wares and merchandize, the  
property of the Crown, shall, in case of the sale thereof, after impor-  
tation into the United Kingdom, be liable to and be charged with  
such and the same Duties of Customs as may be by law payable or  
charged on the like goods, wares and merchandize, not being the pro-  
35 perty of the Crown.

50.  
Goods the  
property of  
the Crown  
sold after  
importation  
charged with  
Duty.

And be it Enacted, That all foreign goods derelict, jetsam, flotsam  
and wreck, brought or coming into the United Kingdom or into the  
Isle of Man, and all Droits of Admiralty sold in the United King-  
dom, shall at all times be subject to the same duties as goods of the  
40 like kind imported into the United Kingdom or the Isle of Man  
respectively are subject to : Provided always, That if, for ascertaining  
the proper amount of duty so payable, any question shall arise as to  
the origin of any such goods, the same shall be deemed to be of the

51.  
Foreign  
Goods dere-  
lict, &c., and  
Droits of  
Admiralty, to  
be subject to  
same Duties  
as on Import-  
ation.

growth, produce or manufacture of such country or place as the Commissioners of Her Majesty's Customs shall, upon investigation by them, determine.

52.  
An abatement  
of Duty to be  
made in re-  
spect of cer-  
tain wrecked  
Goods da-  
maged; no  
such abate-  
ment to be  
made in  
respect of  
Cantharides  
and certain  
other Goods.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, or for the officers of Customs acting under their directions, to inquire into and receive proof of the extent to which any such goods may have been damaged, and to make such abatement of the duties payable thereon as to them shall appear to bear a just proportion to the damage so ascertained: Provided always, That no such abatement shall be made in respect of any of the goods following; (that is to say)

Cantharides.	Oranges.	
Cocoa.	Pepper.	
Coculus Indicus.	Raisins.	
Coffee.	Rhubarb.	
Currants.	Sarsaparilla.	15
Figs.	Senna.	
Guinea Grains.	Spirits.	
Ipecacuanha.	Sugar.	
Jalap.	Tea.	
Lemons.	Tobacco, and	20
Nux Vomica.	Wine.	
Opium.		

53.  
Persons hav-  
ing such  
Goods in pos-  
session with-  
out Notice,  
liable to a  
Penalty of  
£. 100.

And be it Enacted, That if any person shall have possession of any foreign goods, derelict, jetsam, flotsam or wreck, either on land or within any port in the United Kingdom, and shall not give notice thereof to the proper officer of the Customs within Twenty-four Hours after such possession, or shall not on demand pay the duties due thereon, or deliver the same into the custody of the proper officer of the Customs, such person shall forfeit the sum of *One hundred Pounds*; and if any person shall remove or alter in quantity or quality any such goods, or shall open or alter any package containing any such goods, or shall cause any such act to be done, or assist therein before such goods shall be deposited in a warehouse in the custody of an officer of the Customs, every such person shall forfeit the sum of *One hundred Pounds*; and in default of the payment of the duties on such goods within Eighteen Months from the time when the same were so deposited, the same may be sold in like manner and for the like purposes as goods imported may in such default be sold: Provided always, That any Lord of the Manor having by law just claim to such goods, or if there be no such Lord of the Manor, then the person having possession of the same, shall be at liberty to retain the same in his own custody, giving bond with Two sufficient sureties, to be approved by the proper officer of the Customs, in *Treble* the value of such goods; for the payment of the duties thereon at the end of One Year and One Day, or to deliver such goods to the proper officer of the Customs in the same state and condition as the same were in at the time of taking possession thereof.

Lord of Manor  
or Salvor may  
retain such  
Goods on  
giving Bond  
for payment  
of Duties.

AND

*Inwards.**Entry.*

54.

Goods reported to Customs as Jetsam, &c., and not claimed within Twelve Months, to be deemed condemned as Droits of Admiralty.

AND whereas such goods, if not claimed by the owner within the period limited by law, belong of right to Her Majesty in her office of Admiralty, but by reason of the smallness of their value would if prosecuted to condemnation in the High Court of Admiralty in England and Ireland respectively be wholly unproductive; BE it therefore Enacted, That whenever any such goods, whether picked up at sea or on the shore within the flow of the sea, shall be reported to the officers of the Customs, notice thereof shall be forthwith given by them, if in Great Britain or the Isle of Man, to the Receiver-General of Droits of Admiralty, and if in Ireland, to the Queen's Proctor of Admiralty; and all such goods shall be placed at their disposal respectively as the case may be, subject, however, to the payment of the duties with which they shall be respectively chargeable; and in case the rightful owner thereof shall prove his claim thereto to the satisfaction of the said Receiver-General or Queen's Proctor, as the case may be, within the period of *Twelve* calendar Months from the day on which they shall be so reported, such goods shall be restored to the owner, on payment of the duties and necessary charges attending the care of the same, and a reasonable compensation to the amount of One-third of the net value (after abating the duties and charges aforesaid to the salvors thereof); but if no such claim shall be established within the period aforesaid, then such goods shall be deemed and taken to be condemned to Her Majesty as Droits of Admiralty, and may be sold by the said Receiver-General or Queen's Proctor without any process from the High Courts of Admiralty respectively; and the net proceeds thereof, after payment of duties, salvage and other charges as aforesaid, shall be disposed of by them respectively, and carried to the credit of the Consolidated Fund, in like manner as Droits of Admiralty are by an Act passed in the first year of the reign of his late Majesty King WILLIAM the Fourth, for the support of his Majesty's household, and the honour and dignity of the Crown, directed to be applied; any thing in any Act or Acts contained, or any law, statute or usage, to the contrary thereof notwithstanding.

55.

Goods under Excise Permit Regulations.

AND whereas it may be expedient to subject some sorts of goods imported into the United Kingdom to certain internal regulations and restraints after the full duties of Customs have been paid thereon, and to place such regulations and restraints under the management of the Commissioners of Excise; BE it therefore Enacted, That no goods which are subject to any regulations of Excise shall be taken or delivered out of the charge of the officers of Customs (although the same may have been duly entered with them, and the full duties due thereon may have been paid,) until such goods shall also have been duly entered with the officers of Excise, and permit, where such permit is by law required, granted by them for delivery of the same, nor unless such permit shall correspond in all particulars with the

**Inwards.****Entry.****Officers of  
Excise may  
attend  
delivery.**

warrant of the officers of the Customs: Provided always, That such entry shall not be received by the officers of the Excise, nor such permit granted by them, until a certificate shall have been produced to them of the particulars of the goods, and of the warrant for the same, under the hand of the officers of the Customs who shall have the charge of the goods: Provided also, That if upon any occasion it shall appear necessary, it shall be lawful for the proper officers of Excise to attend the delivery of such goods by the officers of the Customs, and to require that such goods shall be delivered only in their presence; and it shall be lawful for such officers of Excise to count, measure, gauge or weigh any such goods, and fully to examine the same, and to proceed in all respects relating to such goods in such manner as they shall be authorized or required by any Act for the time being in force relating to the Excise.

**56.****Commission-  
ers of Cus-  
toms may  
direct certain  
Goods to be  
stamped.**

AND whereas by the laws now in force certain articles subject to an inland duty of Excise are required to be stamped to denote the payment of such duty, and to prevent fraud in the evasion of such duty, it is expedient that foreign articles of a similar description, when imported into the United Kingdom, should be stamped with such mark or stamp as the Commissioners of Her Majesty's Customs may deem necessary in order to distinguish the foreign from the British article; BE it therefore Enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Customs, and they are hereby authorized, after any goods have been entered at the Custom-house, and before the same shall be discharged by the officers, and delivered into the custody of the importer or his agent, to mark or stamp such goods in such manner and form as they may deem fit and proper for the security of the revenue, and by such officer as they shall direct and appoint for that purpose.

**57.****Orders for  
stamping  
Goods to be  
published.**

And be it Enacted, That every order made by the said Commissioners of Her Majesty's Customs in respect of marking or stamping any goods shall be published in the London Gazette and Dublin Gazette.

**58.****Penalty 200l.  
on forging  
such Stamps.**

And be it Enacted, That if any person or persons shall at any time forge or counterfeit any mark or stamp to resemble any mark or stamp which shall be provided and used for the purposes of this Act, or shall forge or counterfeit the impression of any such mark or stamp, or shall sell or expose to sale, or have in his, her or their custody or possession any goods with a counterfeit mark or stamp, knowing the same to be counterfeit, or shall use or affix any such mark or stamp to any other goods required to be stamped as aforesaid, other than that to which the same was originally affixed, all and every such offender or offenders, and his, her or their aiders, abettors and assistants, shall for

for every such offence forfeit and pay the sum of *Two hundred Pounds*.

*Inwards.**Entry.*

And be it Enacted, That no goods whatever (except diamonds, bullion, fresh fish of British taking, and imported in British ships, and  
 5 lobsters,) shall be unshipped from any ship arriving from parts beyond the seas, or landed or put on shore, but only on days, not being Sundays or holidays, and in the day-time, (that is to say) from the First day of September until the last day of March, between sun-rising and sun-setting, and from the last day of March to the First day of  
 10 September between the hours of Seven of the clock in the morning and Four of the clock in the afternoon; nor shall any goods, except as aforesaid, be so unshipped or landed, unless in the presence or with the authority of the proper officer of the Customs; and such goods, except as aforesaid, shall be landed at one of the legal quays ap-  
 15 pointed for the landing of goods, or at some wharf, quay or place appointed by the Commissioners of Her Majesty's Customs for the landing of goods by sufferance; and that no goods, except as aforesaid, after having been unshipped, shall be transhipped, or after having been put into any boat or craft to be landed, shall be removed  
 20 into any other boat or craft, previously to their being duly landed, without the permission or authority of the proper officer of the Customs.

59.  
Times and  
places for  
landing  
Goods.

And be it Enacted, That the unshipping, carrying and landing of all goods, and the bringing of the same to the proper place, after  
 25 landing, for examination or for weighing, and the putting the same into the scales, and the taking of the same out of and from the scales, after weighing, shall be performed by or at the expense of the importer.

60.  
Goods to be  
unshipped,  
&c. at the  
expense of  
Importer.

And be it Enacted, That the times, places and manner of landing  
 30 foreign fish imported into the United Kingdom, and of reporting and entering the same, and of paying the duties due thereon, shall be subject to such regulations and directions as the Commissioners of Her Majesty's Customs shall from time to time make respecting the same, and that all foreign fish unladen from any vessel contrary to  
 35 any such regulations and directions shall be forfeited.

61.  
Foreign Fish  
to be landed  
and entered  
under the  
directions of  
the Commis-  
sioners of  
Customs.

And be it Enacted, That the importer or person entering timber or wood to be charged with duty by measurement, shall at his expense sort, pile, frame or otherwise place the same in such manner as the Commissioners of Her Majesty's Customs may deem necessary to  
 40 enable the officers to measure and take a true and correct account thereof; and that in all such cases, when the same is measured in bulk, the measurement shall be taken to the full extent of the pile,

62.  
Timber to be  
piled at the  
expense of  
the Importer,  
so as to  
enable the  
officer of Cus-  
toms to mea-  
sure it.

*Inwards.**Entry.*

and that no allowance shall be made by the officers on account of the interstices arising out of such process of sorting, piling, framing or placing: Provided always, That all battens, boards, deals and planks exceeding Twenty-one Feet in length, may be measured by the piece, and the account thereof taken separately. 5.

*Prohibitions and Restrictions.*

63.

Prohibitions and restrictions absolute or modified.

And be it Enacted, That the several sorts of goods enumerated or described in the table following, denominated "a Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the restrictions mentioned in such table, according as the several sorts of such goods are respectively set forth therein; (that is to say) 10

#### A TABLE of PROHIBITIONS and RESTRICTIONS Inwards.

##### A LIST of Goods absolutely prohibited to be Imported.

- Arms, Ammunition and utensils of war, by way of merchandize, except by license from Her Majesty for furnishing Her Majesty's public stores only. 15
- Articles of foreign manufacture, and any packages of such articles, bearing any names, brands or marks purporting to be the names, brands or marks of manufacturers resident in the United Kingdom.
- Books, wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other country, as to which the proprietor of such copyright, or his agent, shall have given to the Commissioners of Customs a notice in writing that such copyright subsists, such notice also stating when such copyright will expire. 20
- Paper printed on in the English language.
- Clocks and Watches, of any metal, not having the name and place of abode of some foreign maker abroad visible and permanently engraved on the frame and also on the face, or not being in a complete state, with all the parts properly fixed in the case. 25
- Coin; viz.
- False Money or counterfeit sterling.
- Silver of the realm, or any money purporting to be such, not being of the established standard in weight or fineness. 30
- Goods from the Isle of Man, except such as be of the growth, produce or manufacture thereof, or of the United Kingdom, and except Corn, Grain, Meal or Flour.
- Gunpowder, except by license from Her Majesty, such license to be granted for furnishing Her Majesty's stores only. 35
- Malt.
- Snuff-work.
- Spirits from the Isle of Man.
- Tobacco-stalks, stripped from the leaf, whether manufactured or not. 40
- Tobacco-stalk Flour.

##### LIST of Goods subject to certain Restrictions on Importation.

- Fish, of foreign taking, except Anchovies, Eels, Turbots and Lobsters, unless in vessels which shall have been cleared out regularly with such fish on board from some foreign port. 45
- Goods of places within the limits of the East India Company's Charter, unless into ports approved of by the Lords of the Treasury, and declared by Order in Council to be fit and proper for such importation.
- Gloves of leather, unless in ships of Sixty tons burthen, or upwards, and in packages each containing One hundred dozen pairs of such gloves at least.
- Hides,

Hides, Skins, Horns or Hoofs, or any other part of cattle or beast Her Majesty may by Order in Council prohibit, in order to prevent any contagious distemper.

Parts of Articles ; viz.

- 5 — Any distinct or separate part of any article not accompanied by the other part, or all the other parts of such article, so as to be complete and perfect, if such article be subject to duty according to the value thereof.

Silk ; viz.

- 10 — Manufactures of Silk, being the manufactures of Europe, unless into the ports of London, Liverpool, Hull or Southampton, or ports appointed by the Commissioners of Her Majesty's Treasury, or into the port of Dublin direct from Bourdeaux, or into the port of Dover direct from Calais or Boulogne, and unless in ships of Sixty Tons burthen or upwards.

Spirits, not being perfumed or medicinal spirits, unless in ships of Sixty Tons burthen at least.

- 15 — Also, unless in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of Twenty Gallons at the least ; or in glass bottles or stone bottles not exceeding the size of quart bottles, and being really part of the cargo of the ship in which the same are imported, and included in the manifest or other papers enumerating or descriptive of the cargo thereof.

Tea, unless from the Cape of Good Hope, or from places eastward of the same to the Straits of Magellan.

Tobacco and Snuff ; viz.

- 25 — unless in ships of One hundred and twenty Tons burthen, or upwards.
- Also, unless in hogsheads, casks, chests or cases containing Three hundred Pounds weight of Tobacco or Snuff each at least, not being separated or divided in any manner within the cask or package ; except that Tobacco of the dominions of the Turkish Empire may be packed in inward bags or packages, or separated or divided in any manner, provided the outward package be a hogshead, cask, chest or case containing at least Three hundred Pounds net weight of Tobacco.

- 30 — Tobacco and Snuff from the East Indies, unless in hogsheads, casks, chests or cases, each of which shall contain at least One hundred Pounds net weight of Tobacco or Snuff.

35 — Cigars, unless in packages containing One hundred Pounds weight of Cigars at least.

- Tobacco, the produce of Mexico, or the produce of South America or the Islands of Saint Domingo or Cuba, imported direct from those places respectively, or from the warehouse in Jamaica, or some other British possession in America, unless in packages, each containing at least Eighty Pounds net weight of such Tobacco.

- 40 — Negrohead Tobacco, the produce of and imported from the United States of America in packages, each containing at least One hundred and fifty Pounds net weight of such Tobacco ;

- 45 — And unless into the ports of London, Liverpool, Bristol, Lancaster, Cowes, Falmouth, Whitehaven, Hull, Port Glasgow, Greenock, Glasgow, Aberdeen, Leith, Newcastle-upon-Tyne, Plymouth, Belfast, Cork, Drogheda, Dublin, Galway, Limerick, Londonderry, Newry, Sligo, Waterford and Wexford ;

50 — or into some other port or ports which may hereafter be appointed for such purpose by the Lords Commissioners of Her Majesty's Treasury ; such appointments in Great Britain being published in the London Gazette, and such appointment in Ireland being published in the Dublin Gazette ;

- 55 — but any ship wholly laden with Tobacco may come into the ports of Cowes or Falmouth to wait for orders, and there remain Fourteen Days, provided due report of such ship be made by the Master with the Collector or Comptroller of such port.

Prohibitions  
and Restrictions.Forfeiture.

And if any goods shall be imported or brought into the United Kingdom contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited.

64.

But Goods may be warehoused for exportation only, although prohibited.

Provided always, and be it Enacted, That any goods, of whatsoever sort, may be imported into the United Kingdom to be warehoused under the regulations of any Act in force for the time being for the warehousing of goods, without payment of duty at the time of the first entry thereof, or notwithstanding that such goods may be prohibited to be imported into the United Kingdom, to be used therein, except the several sorts of goods enumerated or described in manner following; (that is to say) goods prohibited on account of the package in which they are contained, or the tonnage of the ship in which they are laden; arms, ammunition or utensils of war, gunpowder, infected hides, horns, hoofs, skins or any other part of any cattle or beast, counterfeit coin or tokens, books wherein the copyright will be subsisting, first composed or written or printed in the United Kingdom, and printed or re-printed in any other country as to which the proprietor of such copyright, or his agent, shall have given to the Commissioners of Her Majesty's Customs, a notice in writing that such copyright subsists, such notice also stating when such copyright will expire; copies of prints first engraved, etched, drawn or designed in the United Kingdom; copies of casts of sculptures, or models first made in the United Kingdom; clocks or watches, being such as are prohibited to be imported for home use.

Exceptions.

65.

Goods to be entered to be warehoused for exportation only.

And be it Enacted, That if by reason of the sort of any goods, or of the place from whence, or the country or navigation of the ship in which any goods have been imported, they be such or be so imported as that they may not be used in the United Kingdom, they shall not be entered except to be warehoused; and it shall be declared upon the entry of such goods that they are entered to be warehoused for exportation only.

Outwards.General  
Provision.

66.

Goods not to be shipped till Entry of Ship and Entry of Goods and Cocket granted, nor till cleared;

AND whereas it is expedient that the Officers of Customs should have full cognizance of all ships departing from any port or place in the United Kingdom or in the Isle of Man, for parts beyond the seas, and of all goods taken out of the United Kingdom or out of the Isle of Man; and it is therefore necessary to make regulations for the entering and clearing outwards of all such ships, and for the entering, clearing and shipping of all such goods; BE it therefore Enacted, That no goods shall be shipped, or waterborne to be shipped, on board any ship in any port or place in the United Kingdom or in the Isle of Man, to be carried to parts beyond the seas, before due entry outwards of such ship, and due entry of such goods shall have been made and cocket granted, nor before such goods shall have been duly cleared for shipment

*Outwards.**General  
Provision.*nor Stores,  
without  
Victualling  
Bill.Proper times  
and places,  
and Officers.  
Forfeiture.

shipment in manner hereinafter directed ; and that no stores shall be shipped for the use of any such ship bound to parts beyond the seas, nor shall any goods be deemed or admitted to be such stores, except such as shall be borne upon the Victualling Bill duly granted for such ship ;

5 and that no goods shall be so shipped or waterborne to be so shipped except at such times and places, and in such manner and by such persons, and under the care of such officers as is and are hereinafter directed ; and all goods and stores which shall be shipped or be waterborne to be shipped contrary hereto shall be forfeited.

10 And be it Enacted, That no ship on board of which any goods or stores shall have been shipped in any port in the United Kingdom or in the Isle of Man for parts beyond the seas, shall depart from such port until such ship shall have been duly cleared outwards for her intended voyage in manner hereinafter directed, under forfeiture of

15 the sum of *One hundred Pounds* by the Master of such ship.

67.

Ships to be  
cleared, or  
Master to  
forfeit £. 100.

And be it Enacted, That the Master of every ship which is to depart from any port in the United Kingdom or in the Isle of Man, for parts beyond the seas, shall, upon due application made by him, receive from the searcher a victualling bill for the shipment of such stores as he shall

20 require, and as shall be allowed by the Collector and Comptroller for the use of such ship, according to the voyage upon which she is about to depart ; and that no articles taken on board any ship shall be deemed to be stores, except such as shall be borne upon the victualling bill for the same.

68.

Victualling  
Bill for  
Stores.*Ship's Entry.*

69.

Master to de-  
liver Certifi-  
cate of Clear-  
ance of last  
voyage, and  
to make  
entry Out-  
wards.Particulars of  
Entry.

25 And be it Enacted, That the Master of every ship in which any goods are to be exported from the United Kingdom or from the Isle of Man to parts beyond the seas, shall, before any goods be taken on board, deliver to the Collector or Comptroller a certificate from the proper officer of the clearance inwards or coastwise of such ship of

30 her last voyage, specifying what goods, if any, have been reported inwards for exportation, and shall also deliver to the Collector or Comptroller an account, signed by the Master or his agent, of the entry outwards of such ship for her intended voyage, setting forth the name and tonnage of the ship, the name of the place to which she belongs if a

35 British ship, or of the country if a foreign ship, the name of the Master, and the name or names of the place or places for which she is bound, if any goods are to be shipped for the same, and the name of the place in such port at which she is to take in her lading for such voyage ; and if such ship shall have commenced her lading at some

40 other port, the Master shall state the name of any port at which any goods have been laden, and shall produce a certificate from the searcher that the cockets for such goods have been delivered to him ; and the particulars of such account shall be written and arranged in

Outwards.		
Ship's Entry.	such form and manner as the Collector and Comptroller shall require ; and such account shall be the entry outwards of such ship, and shall be entered in a book to be kept by the Collector for the information of all parties interested ; and if any goods be taken on board any ship before she shall have been entered outwards, the Master shall forfeit	5
Penalty.	the sum of <i>One hundred Pounds</i> : Provided always, That where it shall become necessary to lade any heavy goods on board any ship before the whole of the inward cargo is discharged, it shall be lawful for the Collector and Comptroller to issue a stiffning order for that purpose, previous to the entry outwards of the ship.	10
Stiffning Order.		
Entry of Goods.		
70.	And be it Enacted, That the person entering outwards any goods to be exported to parts beyond the seas from any port in the United Kingdom or in the Isle of Man, shall deliver to the Collector or Comptroller a bill of the entry thereof, fairly written, or fairly written in part, and fairly printed in part, in words at length, expressing the name of the ship and of the Master, and of the place to which the goods are to be exported, and of the person in whose name the goods are to be entered, and the quantities and proper denominations or descriptions of the several sorts of goods, and shall pay down any duties which may be due upon the exportation of any such goods ; and such person shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures ; and the particulars to be contained in such bill shall be arranged in such form and manner, and the number of such duplicates shall be such as the Collector and Comptroller shall require ; and thereupon the Collector and Comptroller shall cause a cocket to be written for such goods, making it known that such goods have been so entered ; and every cocket shall be signed by such Collector and Comptroller, and be delivered to the person who shall have made such entry, and such person shall keep and be responsible for the proper use of the same.	15
Bill of the Entry to be delivered.		
Particulars.		
Payment of Duties.		20
Cocket to be granted.		25
Person entering Goods responsible for use of Cocket.		30
71.	And be it Enacted, That if any drawback or bounty be allowable upon the exportation of any such goods, or any duty be payable thereon, or any exemption from duty claimed, or if any such goods be exportable only according to some particular rule or regulation, or under some restriction or condition, or for some particular purpose or destination, such goods shall be entered and cleared for shipment by such denominations or descriptions as are used, mentioned or referred to in the granting of such drawback or bounty, or in the levying of such duty or granting such exemption, or in the directing of such rules, regulations, restrictions, conditions, purpose or destination.	35
Goods for Drawback or Bounty.		
Duty Goods.		
Goods under restriction.		
72.	And be it Enacted, That the person intending to enter outwards any foreign goods for drawback at any other port than that at which the duties inwards on such goods had been paid, shall first deliver to the	40
Manner of Entry.		
For Drawback or from		

the Collector or Comptroller of the port where the duties on such goods were paid two or more bills, as the case may require, of the particulars of the importation of such goods, and of the entry outwards intended to be made; and thereupon the Collector and Comptroller, finding such bills to agree with the entry inwards, shall write off such goods from the same, and shall issue a certificate of such entry, with such particulars thereof as shall be necessary for the computation of the drawback allowable on such goods, and setting forth in such certificate the destination of the goods, and the person in whose name they are to be entered for exportation, and also the name of such other port; and such certificate, together with two or more bills of the same, as the case may require, in which all sums and numbers may be expressed in figures, being delivered to the Collector or Comptroller of the port from which the goods are to be exported, shall be the entry outwards of such goods; and such Collector and Comptroller shall thereupon cause a cocket to be written and delivered for such goods in manner hereinbefore directed.

*Outwards.*  
*Entry of Goods.*  
Warehouse,  
or Duties to  
be first paid.

And be it Enacted, That no drawback shall be allowed on any tobacco which shall not have been wholly manufactured from tobacco on which the full duty on importation shall have been paid, nor on any tobacco which shall be mixed with dirt or rubbish, or any other ingredients; and every person who shall enter or ship, or cause to be entered or shipped, or produce or cause to be produced to any officer of Customs to be shipped for exportation or for stores, any tobacco not entitled to drawback, with intent unduly to obtain any drawback thereon, or any greater drawback than he would otherwise be entitled to, shall, over and above all other penalties which he may thereby incur, forfeit *Treble* the amount of the drawback sought to be obtained, or *Two hundred Pounds*, at the election of the Commissioners of Customs; and all such tobacco shall be forfeited, and may be seized by any officer of Customs or Excise.

73.  
No Drawback  
on Tobacco  
not properly  
manufactured, and  
Penalty on  
Persons fraud-  
ulently at-  
tempting to  
obtain Draw-  
back.

And be it Enacted, That no drawback shall be allowed upon the exportation of any goods entered for drawback, or as stores, which shall be of less value than the amount of the drawback claimed, and that all such goods so entered shall be forfeited, and that the person who caused such goods to be entered shall forfeit the sum of *Two hundred Pounds*, or *Treble* the amount of the drawback claimed in such case, at the election of the Commissioners of Her Majesty's Customs.

74.  
Goods not  
entitled to  
Drawback, if  
of less value  
than claimed.  
Penalty for  
entry of such  
Goods.

And be it Enacted, That upon the entry outwards of any goods, except wine, upon which a drawback of the duties paid upon the importation thereof is allowed, and before cocket is granted, the person in whose name the same are entered shall give security, by bond, in double the amount of such duties, with one sufficient surety that such

75.  
On entry  
outwards of  
Goods en-  
titled to  
Drawback,  
Bond for due  
exporting  
shall be  
given.

*Outwards.**Entry of Goods.*

goods shall be duly shipped and exported to, and shall be landed at, the place for which they shall be entered outwards, or otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs, within a reasonable time, to be fixed by the said Commissioners, with reference to the place of exportation.

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76.

Stamp on  
Plate Bond  
reduced.

And be it Enacted, That all bonds given to prevent the re-landing of plate, in respect of which any drawback shall be allowed upon the exportation thereof, shall be liable only to the same duties of stamps as any bonds given for or in respect of the duties of Customs, or for preventing frauds or evasions thereof, are or shall be liable to under any Act for the time being in force for granting duties of stamps.

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77.

Coals: Ex-  
port Bond to  
British  
Possessions.

And be it Enacted, That no cocket shall be granted for the exportation of any coals to any British possession in a foreign ship, until the exporter thereof shall have given security, by bond, in a penal sum of double the amount of the duty payable on the exportation of such coals, with condition that the same shall be landed at the place for which they shall be exported, or otherwise accounted for to the satisfaction of the Commissioners of the Customs; and also with condition to produce, within such time as the said Commissioners shall require to be expressed in such bond, a certificate of the landing of such coals at such place, under the hand of the Collector or Comptroller or other proper officer at such place: Provided always, That the bond so to be given in respect of coals shall not be liable to any duty of stamps.

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*Clearance of  
Goods,*

78.

Packages to  
be indorsed  
on Cocket.

And be it Enacted, That before any part of the goods for which any cocket shall have been granted shall be shipped, or waterborne to be shipped, the same shall be duly cleared for shipment with the searcher, the particulars of the goods for each clearance shall be indorsed on such cocket, together with the number and denomination or description of the respective packages containing the same; and in the margin of each such indorsement shall be delineated the respective marks and numbers of such packages, and to each such indorsement shall be subjoined, in words at length, an account of the total quantities of each sort of goods intended in such indorsement, and the total number of each sort of package in which such goods are contained, distinguishing such goods, if any, as are to be cleared for any bounty or drawback of Excise or Customs, and also such goods, if any, as are subject to any duty on exportation, or entitled to any exemption from such duty, and also such goods, if any, as can only be exported by virtue of some particular order or authority, or under some particular restriction or condition, or for some particular purpose or destination; and all goods shipped, or waterborne to be shipped, not being duly cleared as aforesaid, shall be forfeited.

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Marks and  
Numbers, and  
total Quan-  
tities.

Bounty,  
Drawback or  
Duty Goods,  
or Goods  
under parti-  
cular condi-  
tions.

Goods not  
cleared for-  
feited.

And

And be it Enacted, That the person clearing such goods for shipment shall upon each occasion produce the cocket so indorsed to the Searcher, and shall also deliver a shipping bill, or copy of such indorsement, referring by names and date to the cocket upon which such

5 indorsement is made, and shall obtain the order of the Searcher for the shipment of such goods; and the particulars to be contained in such indorsement, and in such shipping bill shall be written and arranged in such form and manner as the Collector and Comptroller shall require.

- 10 And be it Enacted, That if any coals shall have been brought coastwise from one port of the United Kingdom to another, and the Master shall be minded to proceed with such coals, or any part of them, to parts beyond the seas, it shall be lawful for such Master to enter such ship and such coals outwards for the intended voyage,
- 15 without first landing the coals intended for exportation, provided the officers of the Customs shall be satisfied that the quantity of coals left on board does not exceed the quantity so entered outwards.

- And be it Enacted, That upon the clearance for shipment of any goods the produce or manufacture of the United Kingdom, an account,
- 20 containing an accurate specification of the quantity, quality and value of such goods, together with a declaration to the truth of the same, signed by the exporter or his known agent, shall be delivered to the Searcher by the person clearing such goods; and if such declaration be false, the person signing the same shall forfeit the sum of *Twenty Pounds*;
- 25 and that it shall be lawful for the Searcher to call for the invoice, bills of parcels, and such other documents relating to the goods, as he may think necessary for ascertaining the true value of the same: Provided always, That if such exporter or agent shall make and subscribe a declaration before the Collector or Comptroller, that the value of the
- 30 goods cannot be ascertained in time for the shipment of the same, and such declaration shall be delivered to the Searcher at the time of clearance, a further time of *Three Months* shall be allowed for the delivery of such separate shipping bill, on failure whereof such exporter or agent shall forfeit the sum of *Twenty Pounds*.

- 35 And be it Enacted, That no drawback of Excise shall be allowed upon any goods so cleared, unless the person intending to claim such drawback shall have given due notice to the officer of Excise, in form and manner required by any law in force relating to the Excise, and shall have obtained and have produced to the Searcher, at the time
- 40 of clearing such goods, a proper document, under the hand of the officer of Excise, containing the necessary description of the goods for which such drawback is to be claimed; and if the goods to be cleared and shipped under the care of the Searchers shall, upon examination,

538.

D 4

be

Outwards.Clearance of  
Goods.79.Production of  
Cocket.  
Shipping Bill.Order of  
Searcher for  
Shipment.

80.

Coals brought  
coastwise  
may be ex-  
ported with-  
out landing.

81.

Account of  
Value of  
Exports to be  
delivered to  
the Searcher.

82.

Goods for Ex-  
cise Draw-  
back.Notice to  
Officer of Ex-  
cise.Excise Order  
to Searcher.Shipment  
certified.

*Outwards.**Clearance of  
Goods.*

be found to correspond in all respects with the particulars of the goods contained in such document, and such goods shall be duly shipped and exported, the Searcher shall, if required, certify such shipment upon such document, and shall transmit the same to the officer of Excise.

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83.

Officer of Ex-  
cise may  
attend ex-  
amination.

And be it Enacted, That it shall be lawful for the officer of Excise, if he see fit, to attend and assist at such examination, and to mark or seal the packages, and to keep joint charge of the same, together with the Searcher, until the same shall have been finally delivered by him into the sole charge of the Searcher, to be shipped and exported under his care.

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84.

Goods for  
Duty, Bounty  
or Drawback,  
&c. brought  
for Shipment.

And be it Enacted, That if any goods which are subject to any duty or restriction in respect of exportation, or if any goods which are to be shipped for any drawback or bounty shall be brought to any quay, wharf or other place, to be shipped for exportation, and such goods shall not agree with the indorsement on the cocket, or with the shipping bill, the same shall be forfeited; and if any goods prohibited to be exported be found in any package brought as aforesaid, such package and every thing contained therein shall be forfeited.

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85.

Searcher may  
open any  
Package, but  
if correct,  
must repack.

And be it Enacted, That it shall be lawful for the Searcher to open all packages, and fully to examine all goods shipped or brought for shipment at any place in the United Kingdom or in the Isle of Man; and if the goods so examined shall be found to correspond in all respects with the cocket and clearance purporting to be for the same, such goods shall be repacked at the charge of such Searcher, who may be allowed such charge by the Commissioners of the Customs if they shall see fit so to do.

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25

*Clearance of  
Ship.*

86.

Content to  
be delivered  
to Searcher.  
Particulars.

And be it Enacted, That before any ship shall be cleared outwards at any port in the United Kingdom or in the Isle of Man for parts beyond the seas with any goods shipped on board the same in such port, the Master shall deliver a content of such ship to the Searcher, setting forth the name and tonnage of such ship and the place or places of her destination, and the name of the Master, and also an account of the goods shipped on board, and of the packages containing such goods, and of the marks and numbers upon such packages, and a like account of the goods on board, if any, which had been reported inwards for exportation in such ship, so far as any of such particulars can be known by him; and also before the clearance of such ship, the cockets, with the indorsements and clearances thereon, for the goods shipped, shall be finally delivered by the respective shippers of such goods to the Searcher, who shall file the same together, and shall attach with a seal a label to the file, showing the number of cockets

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Cockets to be  
delivered by  
Shippers to  
Searcher to  
be filed.

*Outwards.**Clearance of  
Ship.*

- cockets contained in the file, and shall compare the particulars of the goods in the cockets with the particulars of the goods in such content, and shall attest the correctness thereof by his signature on the label and on the content; and the Master of the ship shall make and sign a
- 5 declaration before the Collector or Comptroller to the truth of such content, and shall also answer to the Collector or Comptroller such questions concerning the ship, the cargo and the intended voyage as shall be demanded of him; and thereupon the Collector or Comptroller shall clear such ship for her intended voyage, and shall notify
- 10 such clearance and the date thereof upon the content, and upon the label to the file of cockets, and upon the victualling bill, and also in the book of ships' entries outwards, for the information of all parties interested, and shall transmit the content and the cockets and the victualling bill to the Searcher; and the particulars to be contained in
- 15 such content shall be written and arranged in such form and manner as the Collector and Comptroller shall require.

Master to declare to content.

Clearance notified on Content, on File, and on Victualling Bill, and in Book.

- And be it Enacted, That the file of cockets and the victualling bill shall thereupon be delivered by the Searcher to the Master of such ship, at such station within the port, and in such manner as shall be
- 20 appointed by the Commissioners of Her Majesty's Customs for that purpose; and such file of cockets and victualling bill so delivered shall be kept by the Master of such ship as the authority for departing from the port with the several parcels and packages of goods and of stores on board, so far as they shall agree with the particulars in the
- 25 indorsements on such cockets, or with such victualling bill.

87.

File of Cockets and Victualling Bill delivered to Master as the clearance.

- And be it Enacted, That if any ship is to depart in ballast from the United Kingdom or from the Isle of Man, for parts beyond the seas, having no goods on board except the stores of such ship borne upon the victualling bill, or any goods reported inwards for exportation in such ship, the Master of such ship shall, before her departure,
- 30 answer to the Collector or Comptroller such questions touching her departure and destination as shall be demanded of him; and thereupon the Collector or Comptroller shall clear such ship in ballast, and shall notify such clearance and the date thereof on the victualling bill, and
- 35 also in the book of ship's entries outwards, for the information of all parties interested; and such victualling bill shall be kept by the Master of such ship as the clearance of the same.

88.

In Ballast.

Master to answer questions.

Clearance notified on Victualling Bill and in Book.

- And be it Enacted, That slate and slates and chalk laden on board any ship bound to foreign parts shall be deemed to be ballast, and
- 40 that every such ship having on board slate and slates and chalk only, or either of them, shall be deemed to be a ship departing in ballast, and if, on the return of any such ship, any slate or slates or chalk
538. E shall

89.

Slate and Slates and Chalk to be deemed Ballast.

Outwards.

( 34 )

Clearance of  
Ship.

shall be remaining on board, the same shall be deemed to be the ballast of such ship.

90.  
Part of  
former Cargo  
reported for  
exportation.

Copy of Re-  
port to be the  
clearance.

And be it Enacted, That if there be on board any ship any goods of the inward cargo, which were reported for exportation in the same, the Master shall, before clearance outwards of such ship from any port in the United Kingdom or in the Isle of Man, deliver to the Searcher a copy of the report inwards of such goods, certified by the Collector and Comptroller; and such copy being found to correspond with the goods so remaining on board, shall be the authority to the Searcher to pass such ship with such goods on board, and being signed by the Searcher, and filed with the cockets, shall be the clearance of the ship for those goods.

91.  
If any Pas-  
sengers,  
Master may  
enter Baggage  
in his name.

Ship with  
Baggage only  
deemed to be  
in Ballast.

And be it Enacted, That if any passengers are to depart in any ship from the United Kingdom or from the Isle of Man, for parts beyond the seas, it shall be lawful for the Master of such ship to pass an entry and to receive a cocket in his name for the necessary personal baggage of all such passengers, and duly to clear such baggage for shipment in their behalf, stating in such clearances the particulars of the packages and the names of the respective passengers; and if such ship is to take no other goods than the necessary personal baggage of passengers actually going the voyage, it shall be lawful for such Master to enter such ship outwards in ballast for passengers only; and if no other goods than such baggage duly entered and cleared be taken on board such ship, the same shall be deemed to be a ship in ballast notwithstanding such baggage, and shall be described in the clearance, on the content, and on the label to the cocket or cockets, and on the victualling bill, and in the book of ships' entries, as a ship cleared in ballast, except as to the necessary personal baggage of passengers going the voyage.

92.  
In Ballast,  
Master may  
enter Goods  
for private  
use of self  
and Crew.

Privilege :  
20*l.* Master ;  
10*l.* Mate ;  
5*l.* Crew.

Master to  
clear the  
Goods.

And be it Enacted, That if the Master and crew of any foreign ship which is to depart in ballast from the United Kingdom for parts beyond the seas, shall be desirous to take on board chalk rubbish by way of ballast, or to take with them for their private use any small quantities of goods of British manufacture, it shall be lawful for such Master, without entering such ship outwards, to pass an entry in his name, and receive a cocket free of any export duty, for all such goods, under the general denomination of British manufactures not prohibited to be exported, being for the use and privilege of the Master and crew, and not being of greater value than in the proportion of *Twenty Pounds* for the Master, and *Ten Pounds* for the mate, and *Five Pounds* for each of the crew, and stating that the ship is in ballast, and the Master shall duly clear such goods for shipment, on behalf of himself and crew, stating in such clearances the particulars of

Outwards.

Clearance of  
Ship.Ship to be  
deemed in  
Ballast.

of the goods and packages, and the names of the crew who shall jointly or severally take any of such goods under this privilege; and such ship, shall be deemed to be a ship in ballast, and be cleared as such, and without a content, notwithstanding such goods or such  
 5 cocket or cockets; and such clearance shall be notified by the Collector or Comptroller on the label to the cocket or cockets, and on the victualling bill, and in the book of ships' entries, as a clearance in ballast, except as to the privilege of the Master and crew.

And be it Enacted, That it shall be lawful for the officers of the  
 10 Customs to go on board any ship after clearance outwards within the limits of any port in the United Kingdom or in the Isle of Man, or within Four Leagues of the coast thereof, and to demand the file of cockets and the victualling bill; and if there be any goods or stores on board not contained in the indorsements on the cockets, nor in the  
 15 victualling bill, such goods or stores shall be forfeited, and if any goods contained in such indorsements be not on board, the Master shall forfeit the sum of *Twenty Pounds* for every package or parcel of goods contained in such indorsements, and not on board; and if any cocket  
 20 be at any time falsified, the person who shall have falsified the same, or who shall have wilfully used the same, shall forfeit the sum of *One hundred Pounds*.

93.  
Officers may  
board any  
Ship after  
clearance.Goods on  
board, and not  
in Cocket,  
20*l.* penalty.  
Cocket fal-  
sified, 100*l.*  
penalty.

And be it Enacted, That every ship departing from any port in the United Kingdom, or in the Isle of Man, shall bring to at such stations within the port as shall be appointed by the Commissioners of Her  
 25 Majesty's Customs for the landing of officers from such ships, or for further examination previous to such departure.

94.  
Ships to bring  
to at Stations.Debenture  
Goods.

And be it Enacted, That no drawback or bounty shall be allowed upon the exportation from the United Kingdom of any goods, unless such goods shall have been entered in the name of the person who was  
 30 the real owner thereof at the time of entry and shipping, or of the person who had actually purchased and shipped the same in his own name, and at his own liability and risk, on commission, according to the practice of merchants, and who was and shall have continued to be entitled in his own right to such drawback or bounty, except in the  
 35 cases hereinafter provided for.

95.  
Entry in  
name of real  
Owner or of  
the Commis-  
sion Mer-  
chant.

And be it Enacted, That such owner or commission merchant shall make and subscribe a declaration upon the debenture, that the goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any part of the United  
 40 Kingdom, nor in the Isle of Man (unless entered for the Isle of Man), nor in the Islands of Faro or Ferro, and that he was the real owner thereof at the time of entry and shipping, or that he had purchased

96.  
Declaration  
as to Expor-  
tation, and to  
Property and  
right to  
Drawback or  
Bounty.

If Drawback,  
&c., be not  
purchased,  
name of  
person en-  
titled to be  
declared.

and shipped the said goods in his own name, and at his own liability and risk, on commission, as the case may be, and that he was and continued to be entitled to the drawback or bounty thereon, in his own right: Provided always, That if such owner or merchant shall not have purchased the right to such drawback or bounty, he shall declare under his hand upon the entry and upon the debenture the person who is entitled thereto, and the name of such person shall be stated in the cocket and in the debenture, and the receipt of such person on the debenture shall be the discharge for such drawback or bounty.

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97.

Agent may  
pass Entry  
and receive  
Drawback,  
and make the  
Declaration,  
and answer  
questions for  
Owner not  
resident.

And be it Enacted, That if such owner or merchant shall be resident in some part of the United Kingdom, being more than *Twenty Miles* from the custom-house of the port of shipment, he may appoint any person to be his agent, to make and pass his entry, and to clear and ship his goods, and to receive for him the drawback or bounty payable on his debenture, if payable to him, provided the name of such agent, and the residence of such owner or merchant, be subjoined to the name of such owner or merchant in the entry and in the cocket for such goods; and such agent, being duly informed, shall make declaration upon the entry, if any be necessary, and also upon the debenture, in behalf of such owner or merchant, to the effect before required of such owner or merchant, and shall answer such questions touching his knowledge of the exportation of such goods, and the property therein, and of the right to the drawback or bounty, as shall be demanded of him by the Collector or Comptroller; and if any such goods be exported by any corporation or company trading by a joint stock, it shall be lawful for them to appoint any person to be their agent for the like purposes, and with the like powers, to act in their behalf.

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Joint Stock  
Company.

98.

Property of  
persons  
abroad con-  
signed here to  
an Agent,  
and exported  
by him on  
account of  
Owner.

And be it Enacted, That if any goods which are to be exported for drawback, be the property of any person residing abroad, having been consigned by the owner thereof to some person as his agent residing in the United Kingdom, to be exported through the same to parts beyond the seas, by such agent upon account of such owner, it shall be lawful for such person (being the consignee by whom and in whose name the duties inwards on such goods had been paid, or his legal representative,) in like manner as agent for such owner, to enter, clear and ship such goods for him, and upon like conditions to receive for him the drawback payable thereon.

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99.

Shipment  
within Three  
Years, and  
payment  
within Two  
Years.

And be it Enacted, That no drawback shall be allowed upon the exportation of any goods unless such goods be shipped within Three Years after the payment of the duties inwards thereon, and that no debenture for any drawback or bounty allowed upon the exportation of any goods shall be paid after the expiration of Two Years from the date of the shipment of such goods.

40

And

And be it Enacted, That for the purpose of computing and paying any drawback or bounty payable upon any goods duly entered, shipped and exported, a debenture shall in due time after such entry be prepared by the Collector and Comptroller, certifying in the first instance the entry outwards of such goods ; and so soon as the same shall have been duly exported, and a notice containing the particulars of the goods shall have been delivered by the exporter to the Searcher, the shipment and exportation thereof shall be certified to the Collector and Comptroller upon such debenture by the Searcher ; and the debenture shall thereupon be computed and passed with all convenient despatch, and be delivered to the person entitled to receive the same.

*Outwards.**Debenture  
Goods.*

100.

*Issuing and  
passing De-  
benture.*

And be it Enacted, That no drawback or bounty shall be allowed for any goods carried by sea from the United Kingdom to the Isle of Man, until a certificate shall be produced from the Collector and Comptroller of the Customs of the Isle of Man of the due landing of such goods.

101.

*Certificate of  
landing in  
Isle of Man.*

And be it Enacted, That no goods cleared for drawback or bounty, or from the warehouse, shall be carried or waterborne to be put on board any ship for exportation from the United Kingdom by any person, unless such person shall be authorized for that purpose by license under the hands of the Commissioners of Her Majesty's Customs, and that before granting such license it shall be lawful for the said Commissioners to require such security by bond for the faithful and incorrupt conduct of such person as they shall deem necessary ; and that after granting such license it shall be lawful for the said Commissioners to revoke the same, if the person to whom the same shall have been granted shall be convicted of any offence against the laws relating to the Customs or Excise : Provided always, That all such licenses which shall be in force at the time of the commencement of this Act shall continue in force as if the same had been afterwards granted under the authority of this Act.

102.

*Licensed  
Lighterman  
only to ship  
debenture or  
warehoused  
Goods.**Commission-  
ers may grant  
License, and  
require Bond.**Licenses in  
force.*

And be it Enacted, That if any goods which have been taken from the warehouse to be exported from the same, or any goods which have been cleared to be exported for any drawback or bounty, shall not be duly exported to parts beyond the seas, or shall be re-landed in any part of the United Kingdom (such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers), or shall be landed in the Islands of Faro or Ferro, or shall be carried to any of the Islands of Guernsey, Jersey, Alderney, Sark, or Man (not having been duly entered, cleared and shipped to be exported or carried directly to such Islands), the same shall be forfeited, together with the ship from or by which the same had been so

103.

*Warehouse  
or Debenture  
Goods not  
exported, or  
if re-landed  
or carried to  
Guernsey,  
&c., without  
Entry, for-  
feited.*

**Outwards.****Debenture  
Goods.**

re-landed, landed or carried ; and any other ship, vessel, boat or craft which may have been used in so re-landing, landing or carrying such goods, and any person by whom or by whose orders or means such goods shall have been so taken or cleared, or so re-landed, landed or carried, shall forfeit a sum equal to *Treble* the value of such goods. 5

**104.  
Drawback of  
Duties on  
Wine allowed  
for Officers in  
the Navy.**

And be it Enacted, That a drawback of the whole of the Duties of Customs shall be allowed for wine intended for the consumption of officers of Her Majesty's Navy on board such of Her Majesty's ships in actual service as they shall serve in, not exceeding the quantities of wine in any One Year for the use of such officers hereinafter respectively mentioned ; (that is to say) 10

	Gallons.	
For every Admiral - - - - -	1,200	
" Vice-Admiral - - - - -	1,050	
" Rear-Admiral - - - - -	840	15
" Captain of the First and Second rate - -	630	
" Captain of the Third, Fourth and Fifth rate -	420	
" Captain of an inferior rate - - - - -	210	
" Lieutenant and other commanding officer, and for every Marine officer - - - - -	105	20

Provided always, That such wine be shipped only at one of the ports hereinafter mentioned ; (that is to say) London, Liverpool, Rochester, Deal, Dover, Portsmouth, Plymouth, Yarmouth, Falmouth, Belfast, Dublin, Cork, Leith or Glasgow.

**105.  
Person en-  
tering such  
Wine for  
Drawback, to  
declare the  
Name and  
Rank of Offi-  
cer claiming  
the same.**

And be it Enacted, That the person entering such wine, and claiming the drawback for the same, shall state in the entry and declare on the debenture the name of the officer for whose use such wine is intended, and of the ship in which he serves ; and such wine shall be delivered into the charge of the officers of the Customs at the port of shipment, to be secured in the Queen's warehouse until the same shall be shipped under their care ; and such officers having certified upon the debenture the receipt of the wine into their charge, the debenture shall be computed and passed, and be delivered to the person entitled to receive the same. 25 30

**106.  
Officers  
leaving the  
Service, &c.,  
such Wine  
permitted to  
be transferred  
to others.**

And be it Enacted, That if any such officer shall leave the service, or be removed to another ship, it shall be lawful for the officers of the Customs, at any of the ports before mentioned, to permit the transfer of any such wine from one officer to another as part of his proportion, whether on board the same ship or another, or the transshipment from one ship to another, for the same officer, or the re-landing and warehousing for future re-shipment ; and it shall also be lawful for the officers of Customs at any port to receive back the duties for any of such wine, and deliver the same for home use : Provided always, That if 35 40

if any of such wine be not laden on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of the Customs, the same shall be forfeited.

*Outwards.*  
*Debiture*  
*Goods.*

And be it Enacted, That it shall be lawful for the Purser of any of Her Majesty's ships of war in actual service, to enter and ship at the ports of Rochester, Portsmouth or Plymouth, in the proportions hereinafter mentioned, any tobacco there warehoused in his name, or transferred into his name, for the use of the ship in which he shall serve, provided such Purser shall deliver to the Collector or Comptroller of such port a certificate from the Captain of such ship, stating the name of the Purser, and the number of men belonging to the ship, and shall also give bond, with one sufficient surety in *Treble* the duties payable on the tobacco, that no part thereof shall be re-landed in the United Kingdom without leave of the officers of the Customs, or be landed in either of the Islands of Guernsey, Jersey, Alderney, Sark or Man.

107.  
 Pursers of  
 Her Majesty's  
 Ships of War  
 may ship  
 Tobacco for  
 use of Crew  
 free of Duty,  
 on giving  
 Bond.

And be it Enacted, That if any Purser shall be removed from one ship to another, it shall be lawful for the Collector and Comptroller of the port where such ships shall be to permit the transshipment of the remains of any such tobacco for the use of such other ship, upon due entry of such tobacco by such Purser, setting forth the time when, and the port at which, such tobacco was first shipped ; and if any such ship shall be paid off, it shall be lawful for the Collector and Comptroller of any port where such ship shall be paid off, to permit the remains of any such tobacco to be landed, and to be entered by the Purser of such ship, either for payment of Duties, or to be warehoused for the term of Six Months, for the supply of some other such ship, in like manner as any tobacco may be warehoused, and supplied at either of the ports before mentioned, or for payment of all duties within such Six Months : Provided always, That all tobacco warehoused for the purpose of so supplying Her Majesty's ships of war shall be subject to the provisions of any Act in force relating to the warehousing of tobacco generally, as far as the same are applicable, and are not expressly altered by any of the provisions herein particularly made.

108.  
 Purser re-  
 moved from  
 one Ship to  
 another, may  
 transship  
 Tobacco, with  
 permission of  
 Collector.

And be it Enacted, That no greater quantity of such tobacco shall be allowed to any ship of war than Two Pounds by the lunar month for each of the crew of such ship ; nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for Six Months after such rate of allowance ; and the Collector and Comptroller of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or transferred from one such ship to another, shall transmit a particular account thereof to the Commissioners of Her Majesty's Customs, in order that a general

109.  
 Quantity of  
 Tobacco not  
 to exceed, &c.

*Outwards.**Debiture  
Goods.*

account may be kept of all the quantities supplied to and consumed on board each of such ships, under the allowances before granted.

110.  
Times and  
Places for  
shipping  
Goods.

And be it Enacted, That no goods shall be put off from any wharf, quay or other place, or shall be waterborne, in order to be exported, but only on days not being Sundays or holidays, and in the day-time ; (that is to say) from the First day of September until the last day of March betwixt sun-rising and sun-setting, and from the last day of March until the First day of September between the hours of Seven of the clock in the morning and Four of the clock in the afternoon ; nor shall any such goods be then put off or waterborne for exportation, unless in the presence, or with the authority, of the proper officer of the Customs, nor except from a legal quay appointed by Her Majesty, or at some wharf, quay or place appointed by the Commissioners of Her Majesty's Customs for shipping of such goods by sufferance.

111.  
Penalty for  
exporting  
prohibited  
Goods.

And be it Enacted, That if any goods liable to forfeiture for being shipped for exportation, shall be shipped and exported without discovery by the officers of the Customs, the person or persons who shall have caused such goods to be exported shall forfeit Double the value of such goods.

*Prohibitions.*

112.  
And Restrictions  
absolute  
or modified.

And be it Enacted, That the several sorts of goods enumerated or described in the Table following (denominated " A Table of Prohibitions and Restrictions Outwards "), shall be either absolutely prohibited to be exported from the United Kingdom, or shall be exported only under the restrictions mentioned in such Table, according as the several sorts of such goods are respectively set forth therein ; (that is to say)

A TABLE of PROHIBITIONS and RESTRICTIONS Outwards.

Clocks and Watches ; viz.

— any outward or inward box, case or dial-plate, if any metal without the movement in or with every such box, case or dial-plate, made up fit for use, with the clock or watch-maker's name engraven thereon.

Lace ; viz.

— any metal inferior to silver which shall be spun, mixed, wrought or set upon silk, or which shall be gilt or drawn into wire, or flattened into plate and spun or woven or wrought into or upon or mixed with lace, fringe, cord, embroidery, tambour-work, or buttons made in the gold or silver lace manufactory, or set upon silk or made into bullion, spangles or pearl, or any other materials made in the gold or silver lace manufactory, or which shall imitate or be meant to imitate such lace, fringe, cord, embroidery, tambour-work or buttons ; nor shall any person export any copper, brass or other metal which shall be silvered or drawn into wire or flattened into plate, or made into bullion, spangles or pearl, or any other materials used in the gold or silver lace manufactory, or in imitation of such lace, fringe, cord, embroidery, tambour-work or buttons, or of any of the materials used in making the same, and which shall hold more or bear a greater proportion than Three Pennyweights of fine silver to the pound avoirdupoise of such copper, brass or other metals.

— Any metal inferior to silver, whether gilt, silvered, stained or coloured, or otherwise, which shall be worked up or mixed with gold or silver in any manufacture of lace, fringe, cord, embroidery, tambour-work or buttons.

A LIST

A LIST of Goods which may be prohibited to be Exported by Proclamation or Order in Council.

Arms, Ammunition and Gunpowder.

Ashes, Pot and Pearl.

- 5 Military Stores and Naval Stores, and any articles (except Copper) which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores.  
 Provisions or any sort of victual which may be used as food by man.

10 And if any goods shall be exported, or be waterborne to be exported, from the United Kingdom, contrary to any of the prohibitions or restrictions mentioned in such Table in respect of such goods, the same shall be forfeited.

*Coastwise.*  


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*General Provisions.*  


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AND whereas it is necessary to make regulations for the coasting trade of the United Kingdom and of the Isle of Man, and that the  
 15 officers of the Customs should have cognizance of all ships carrying any goods coastwise from one part of the United Kingdom to another part of it, or to the Isle of Man, or from one part of the Isle of Man to another part of it, and of all goods so carried, in order that such trade may be confined to British ships, and that all duties levied  
 20 coastwise may be duly collected, and that the laws for regulating the importation and exportation of goods from and to parts beyond the seas may not be evaded; BE it therefore Enacted, That all trade by sea from any one part of the United Kingdom to any other part thereof, or to the Isle of Man, or from the Isle of Man to any part of the  
 25 United Kingdom, or from one part of the Isle of Man to another part thereof, shall be deemed to be a coasting trade, and all ships, while employed therein, shall be deemed to be coasting ships; and that no part of the United Kingdom, or of the Isle of Man, however situated with regard to any other part, shall be deemed in law, with  
 30 reference to each other, to be parts beyond the seas in any matter relating to the trade or navigation or revenue of this realm: Provided always, That all goods liable to Duty of Customs upon the importation or bringing of them into the Isle of Man, when brought from the United Kingdom into the said Isle, and all vessels bringing the same, shall  
 35 be liable to the same rules and regulations as are required by law in respect of goods imported into the said Isle from foreign parts, and in respect of the vessels bringing the same; and all penalties and forfeitures inflicted by law for any breach of the said rules and regulations, shall attach upon all goods so brought into the said Isle contrary to the said rules and regulations, or any of them, and upon all  
 40 persons committing any breach of any such rule or regulation; and such penalties and forfeitures may be recovered in the same manner as any penalty or forfeiture may be recovered by any Act relating to the Customs.

113.  
 All Trade by Sea from one part of the United Kingdom to another, or to the Isle of Man, to be deemed Coastwise, and no part to be deemed beyond the Seas.

Proviso for Dutiable Goods carried into the Isle of Man.

114.  
Lords of  
Treasury to  
regulate what  
shall be  
deemed tra-  
ding by Sea  
under this  
Act.

AND whereas some parts of the coast of the United Kingdom may be so situated with regard to other neighbouring parts thereof, that doubts may arise in some cases whether the passage between them by water shall be deemed to be a passage by sea within the meaning of this Act, and that in other cases, although such passage be by sea, it may be unnecessary for the purposes of this Act, or of any Act relating to the Customs, to subject ships passing between such places to the restraints of coast regulations; BE it therefore Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to determine and direct in what cases the trade by water from any place on the coast of the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this Act, or of any Act relating to the Customs. 5 10

115.  
Coasting Ship  
confined to  
coasting  
voyage.

And be it Enacted, That no goods shall be carried in any coasting ship except such as shall be laden to be so carried at some port or place in the United Kingdom, or at some port or place in the Isle of Man respectively; and that no goods shall be laden on board any ship to be carried coastwise, until all goods brought in such ship from parts beyond the seas shall have been unladen; and that if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the Master of any coasting ship, which shall have touched at any place over the sea, shall not declare the same, in writing under his hand, to the Collector or Comptroller at the port in the United Kingdom or in the Isle of Man where such ship shall afterwards first arrive, the Master of such ship shall forfeit the sum of *Two hundred Pounds*. 15 20 25

116.  
Before Goods  
be laden or  
unladen, no-  
tice of in-  
tention, or of  
arrival, to be  
given, and  
proper docu-  
ments to  
issue.

And be it Enacted, That no goods shall be laden on board any ship in any port or place in the United Kingdom or in the Isle of Man, to be carried coastwise, nor having been brought coastwise, shall be unladen in any such port or place from any ship until due notice in writing, signed by the Master, shall have been given to the Collector or Comptroller, by the Master, Owner, wharfinger or agent of such ship, of the intention to lade goods on board the same, to be so carried, or of the arrival of such ship with goods so brought (as the case may be), nor until proper documents shall have been granted, as hereinafter directed, for the lading or for the unloading of such goods; and such goods shall not be laden or unladen except at such times and places, and in such manner, and by such persons and under the care of such officers as is and are hereinafter directed; and all goods laden to be so carried or brought to be so unladen contrary hereto shall be forfeited. 30 35 40

And

And be it Enacted, That in such notice shall be stated the name and tonnage of the ship, and the name of the port to which she belongs, and the name of the Master and the name of the port to which she is bound or from which she has arrived, and the name or description of the wharf or place at which her lading is to be taken in or discharged (as the case may be); and such notice shall be signed by the Master, Owner, wharfinger or agent of such ship, and shall be entered in a book to be kept by the Collector for the information of all parties interested; and every such notice for the unlading of any ship or vessel shall be delivered within Twenty-four Hours after the arrival of such ship or vessel, under a penalty of *Twenty Pounds*, to be paid by the Master of such ship or vessel; and in every such notice for the lading of any ship or vessel shall be stated the last voyage on which such ship or vessel shall have arrived at such port; and if such voyage shall have been from parts beyond the seas, there shall be produced with such notice a certificate from the proper officer of the discharge of all goods (if any) brought in such ship, and of the due clearance of such ship or vessel inwards of such voyage.

Within  
Twenty-four  
Hours of  
arrival for  
unlading.

For lading, to  
state last  
Voyage and  
Clearance.

And be it Enacted, That upon the arrival of any coasting ship at any port in Great Britain from Ireland, or at any port in Ireland from Great Britain, the Master of such ship shall, within Twenty-four Hours after such arrival, attend and deliver such notice, signed by him, to the Collector or Comptroller; and if such ship shall have on board any goods subject on arrival to any Duty of Excise, or any goods which had been imported from parts beyond the seas, the particulars of such goods, with the marks and numbers of the packages containing the same, shall be set forth in such notice, and if there shall be no such goods on board, then it shall be declared in such notice that no such goods are on board; and the Master shall also answer any questions relating to the voyage as shall be demanded of him by the Collector or Comptroller; and every Master who shall fail, in due time, to deliver such notice and truly to answer such questions, shall forfeit the sum of *One hundred Pounds*.

Master must  
attend to de  
liver Notice,  
&c.

After Notice  
given of  
lading Goods  
on board  
coasting  
Ships, Col-  
lector may  
grant a  
general  
Sufferance.

And be it Enacted, That when due notice shall have been given to the Collector or Comptroller at the port of lading, of the intention to lade goods on board any coasting ship, such Collector or Comptroller shall grant a general sufferance for the lading of goods (without specifying the same), on board such ship, at the wharf or place which shall be expressed in such sufferance; and such sufferance shall be a sufficient authority for the lading of any sort of goods, except such (if any) as shall be expressly excepted therein: Provided always, That before any sufferance be granted for any goods prohibited to be exported, the Master or Owner of any such ship or the shipper of such goods shall give bond, with one sufficient surety, in *Treble* the value of the goods,

Bond for cer-  
tain Goods.

*Coastwise.*

goods, that the same shall be landed at the port for which such sufferance is required, or shall be otherwise accounted for to the satisfaction of the Commissioners of Her Majesty's Customs.

120.  
Master of  
Coasting Ves-  
sel to keep a  
Cargo Book.

And be it Enacted, That the Master of every coasting ship shall keep or cause to be kept a cargo book of the same, stating the name of the ship and of the Master, and of the port to which she belongs, and of the port to which bound on each voyage, and in which book shall be entered at the port of lading an account of all goods taken on board such ship, stating the descriptions of the packages, and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, as far as any of such particulars shall be known to him, and in which book at the port of discharge shall be noted the respective days upon which any of such goods be delivered out of such ship, and also the respective times of departure from the port of lading, and of arrival at any port of unlading; and such Master shall produce such book for the inspection of the coast-waiter or other proper officer, so often as the same shall be demanded, and who shall be at liberty to make any note or remark therein; and if such Master shall fail correctly to keep such book, or to produce the same, or if at any time there be found on board such ship any goods not entered in the cargo book as laden, or any goods noted as delivered, or if at any time it be found that any goods entered as laden, or any goods not noted as delivered, be not on board, the Master of such ship shall forfeit the sum of *Fifty Pounds*; and if, upon examination at the port of lading, any package entered in the cargo book as containing any foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited; and if, at the port of discharge, any shall be found to contain any foreign goods which are not entered in such book, such goods shall be forfeited.

Penalty for  
false entries  
in such Book.

121.  
Accounts of  
Foreign  
Goods, and of  
Goods subject  
to Coast  
Duty, to be  
delivered  
to Collector.

And be it Enacted, That before any coasting ship shall depart from the port of lading, an account, together with a duplicate of the same, all fairly written and signed by the Master, shall be delivered to the Collector or Comptroller, and in such account shall be set forth such particulars as are required to be entered in the cargo book of all foreign goods, and of all corn, grain, meal, flour or malt laden on board, and generally, whether any other British goods, or no other British goods be laden on board, as the case may be, or whether such ship be wholly laden with British goods, not being of any of the descriptions before mentioned, as the case may be; and the Collector or Comptroller shall select and retain one of such accounts, and shall return the other, dated and signed by him, and noting the clearance of the ship thereon; and such account shall be the clearance of the ship for the voyage, and the transire for the goods expressed therein; and if any such account be false,

false, or shall not correspond with the cargo book, the Master shall forfeit the sum of *Fifty Pounds*.

And be it Enacted, That before any goods be unladen from any coasting ship at the port of discharge, the Master, Owner, wharfinger  
 5 or agent of such ship shall deliver the transire to the Collector or Comptroller of such port, who shall thereupon grant an order for the unlading of such ship at the wharf or place specified in such order : Provided always, That if any of the goods on board such ship be subject to any Duty of Customs or Excise payable on arrival coastwise at such port,  
 10 the Master, Owner, wharfinger or agent of such ship, or the consignee of such goods, shall also deliver to the Collector or Comptroller a bill of the entry of the particulars of such goods, expressed in words at length, together with a copy thereof, in which all sums and numbers may be expressed in figures, and shall pay down all Duties of Customs, or  
 15 produce a permit in respect of all Duties of Excise, which shall be due and payable on any of such goods, as the case may be ; and thereupon the Collector and Comptroller shall grant an order for the landing of such goods in the presence or by the authority of the coast-waiter.

122.  
Transire to be delivered to Collector before Goods unladen.

Excise Duties.

And be it Enacted, That it shall be lawful for the Collector and  
 20 Comptroller, in the cases hereinafter mentioned, to grant for any coasting ship a general transire, to continue in force for any time not exceeding *One Year* from the date thereof, for the lading of any goods (except such goods, if any, as shall be expressly excepted therein), and for the clearance of the ship in which the goods shall be laden, and  
 25 for the unlading of the goods at the place of discharge ; (that is to say)

123.  
Collector, in certain cases, may grant general Transire for Coasting Vessels.

For any ship regularly trading between places in the River Severn, eastward of the Holmes :

For any ship regularly trading between places in the River Humber :

30 For any ship regularly trading between places in the Firth of Forth :

For any ship regularly trading between places to be named in the transire, and carrying only manure, lime, chalk, stone, gravel, sand or any earth, not being Fuller's earth.

And that it shall and may be lawful for the Commissioners of Her  
 35 Majesty's Customs, whenever it shall appear to them to be necessary, to grant general transires, under such regulations and for such time as they may see fit, for the lading of any goods, and for the clearing the ship in which the goods shall be laden, and for the unlading the goods at the place of discharge : Provided always, That such transires shall  
 40 be written in the cargo book hereinbefore required to be kept by the Masters of coasting ships : Provided also, That if the said Commissioners or the Collector and Comptroller shall at any time revoke such

Commissioners of Customs may grant general Transires.

*Coastwise.*

transires, and notice thereof shall be given to the Master or Owner of the ship, or shall be given to any of the crew when on board the ship, or shall be entered in the cargo book by any officer of the Customs, such transires shall become void, and shall be delivered up by the Master or Owner to the Collector or Comptroller, or to any officer of Customs demanding the same. 5

124.  
Coast-waiter,  
Landing-  
waiter or  
Searcher,  
may go on  
board and  
examine any  
Coasting  
Ship.

And be it Enacted, That it shall be lawful in any case, and at all legal times, for the coast-waiter and also for the landing waiter, and for the searcher, and for any other proper officer of the Customs, to go on board any coasting ship in any port or place in the United Kingdom or in the Isle of Man, or at any period of her voyage, and strictly to search such ship, and to examine all goods on board, and all goods being laden or unladen, and to demand all documents which ought to be on board such ship. 10

125.  
Times and  
places for  
landing and  
shipping.

And be it Enacted, That no goods shall be unshipped from any ship arriving coastwise in the United Kingdom or in the Isle of Man, and also that no goods shall be shipped or waterborne to be shipped in the United Kingdom or in the Isle of Man, to be carried coastwise, but only on days not being Sundays or holidays, and in the day-time ; (that is to say) from the First day of September until the last day of March, betwixt sunrising and sunseting, and from the last day of March until the First day of September, between the hours of Seven of the clock in the morning and Four of the clock in the afternoon ; nor shall any such goods be so unshipped, shipped or waterborne, unless in the presence or with the authority of the proper officer of the Customs, nor unless at places which shall be appointed or approved by the proper officer of the Customs. 15 20 25

126.  
Goods pro-  
hibited or  
restrained.

And be it Enacted, That whenever any goods which may be prohibited to be exported by proclamation, or by Order in Council, under the authority of this Act, shall be so prohibited, it shall be lawful, in such Proclamation or Order in Council, to prohibit or restrict the carrying of such goods coastwise, and if any such goods shall be carried coastwise, or shall be shipped or waterborne to be carried coastwise, contrary to any such prohibition or restriction, the same shall be forfeited. 30 35

*Construction  
in General.*

127.  
Terms used  
in Acts.

AND in order to avoid the frequent use of numerous terms and expressions in this Act, and in other Acts relating to the Customs, and to prevent any misconstruction of the terms and expressions used therein ; BE it Enacted, That whenever the several terms or expressions following shall occur in this Act, or in any other Act relating to the Customs or to trade and navigation, the same shall be construed respectively in the manner hereinafter directed ; (that is to say) that the 40

- the term "Ship" shall be construed to mean ship or vessel generally, unless such term shall be used to distinguish a ship from sloops, brigantines and other classes of vessels; that the term "Master" of any ship shall be construed to mean the person having or taking the charge or command of such ship; that the term "Owners" and the term "Owner" of any ship shall be construed alike to mean one owner, if there be only one, and any or all the owners, if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term "seaman" shall be construed to mean alike seaman, mariner, sailor or landsman, being one of the crew of any ship; that the term "British possession" shall be construed to mean colony, plantation, island, territory or settlement belonging to Her Majesty; that the term "Her Majesty" shall be construed to mean Her Majesty, Her heirs and successors; that the term "limits of the East India Company's Charter" shall be construed to mean the Cape of Good Hope and all places and seas eastward thereof to the Straits of Magellan; that the terms "Collector and Comptroller" shall be construed to mean the Collector and Comptroller of the Customs of the port intended in the sentence; that whenever mention is made of any public officer, the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept and secured without payment of duty, or although prohibited to be used in the United Kingdom; that the term "Queen's warehouse" shall be construed to mean any place provided by the Crown for lodging goods therein, for security of the Customs.

*Construction in General.**"Ship."**"Master."**"Owner or Owners."**"Mate."**"Seamen."**"British Possession."**"Her Majesty."**"Limits of East India Company's Charter."**"Collector and Comptroller."**"Officer."**"Warehouse."**"Queen's Warehouse."*

- And be it Enacted, That the Island of Malta and its dependencies shall be deemed to be in Europe.

128.

*Malta deemed to be in Europe.*

- And be it Enacted, That all duties, bounties and drawbacks of Customs shall be paid and received, in every part of the United Kingdom and of the Isle of Man, in British currency, and according to imperial weights and measures; and that in all cases where such duties, bounties and drawbacks are imposed and allowed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value; and all such duties, bounties and drawbacks shall be under the management of the Commissioners of the Customs.

*General Regulations.*

129.

*Weights, Measures, Currency, Management.*

- And be it Enacted, That all bonds relating to the Customs required to be given in respect of goods or ships, except bonds given for securing the due exportation of or payment of duty upon goods warehoused according to law, shall be taken by the Collector and Comptroller for

130.

*Collector to take bonds in respect of Goods relating to the Customs.*

*General Regulations.*

the use of Her Majesty ; and after the expiration of *Three Years* from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced shall be void, and may be cancelled and destroyed.

5

131.  
Bonds entered into, with the concurrence of the Lords of the Treasury or the Commissioners of the Customs, for the due performance of any thing relating to the Customs, to be valid in law.

AND whereas it frequently occurs that certain indulgences are granted to merchants and others by directions of the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's Customs, on bond being given for the security of the Revenue, and as doubts may arise whether such bonds would in law be valid ; BE it therefore Enacted and Declared, That in all cases where bonds shall be entered into with the concurrence or by the direction of the Commissioners of Her Majesty's Treasury or the Commissioners of Her Majesty's Customs for the due performance of any order, matter or thing relative to the Customs, such bonds shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into by virtue of any Act relating to the Customs.

132.  
Mode of ascertaining strength of Foreign Spirits.

And be it Enacted, That the same instruments, and the same tables and scales of graduation, and the same rules and methods as the officers of the Excise shall by any law in force for the time being be directed to use, adopt and employ in trying and ascertaining the strengths and quantities of spirits made within the United Kingdom, for the purpose of computing and collecting the Duties of Excise payable thereon, shall be used, adopted and employed by the officers of the Customs in trying and ascertaining the strengths and quantities of spirits imported into the United Kingdom for the purpose of computing and collecting the Duties of Customs payable thereon.

133.  
Vinegar or acetous Acid to be charged with Duty according to Strength

And be it Enacted, That, to prevent vinegar or acetous acid of excessive strength being brought into consumption upon payment of Duty as common vinegar or acetous acid, to the great injury of Her Majesty's Revenue, all such liquors as aforesaid subject and liable to any Duty of Customs shall and may be tried and examined by any officer or officers of Customs, with such acetometer as shall and may be from time to time directed by the Commissioners of Her Majesty's Customs, in order to ascertain the strength thereof ; and that whenever any such liquors shall, upon any such trial, be found by any officer or officers of Customs to be above proof, as denoted by such acetometer (proof of being such strength of acetous acid that One hundred parts of the liquor, by weight, will saturate or neutralize Fourteen and a half parts, by weight, of crystallized sub-carbonate of soda), the number of gallons of such liquors of which such trial is made shall be deemed and computed by such officer or officers to be such number as could be made

made from or with such liquors, if diluted by water to the strength of proof denoted as aforesaid, and shall be chargeable and taken account of, and charged by such officer with Duty accordingly.

5 And be it Enacted, That spirits or strong waters imported into the United Kingdom mixed with any ingredient, and although thereby coming under some other denomination, shall nevertheless be deemed to be spirits or strong waters within the meaning of the said last-mentioned Act, and be subject to Duty as such.

134.  
Spirits,  
although  
mixed, to pay  
Duties as  
such.

10 And be it Enacted, That it shall be lawful for the officers of the Customs to take such samples of any goods as shall be necessary for ascertaining the amount of any Duties payable on the same ; and all such samples shall be disposed of and accounted for in such manner as the Commissioners of Her Majesty's Customs shall direct.

135.  
Officers of  
Customs to  
take sample  
of Goods.

15 And be it Enacted, That if upon the first levying or repealing of any Duty, or upon the first granting or repealing of any drawback or bounty, or upon the first permitting or prohibiting of any importation or exportation, whether inwards, outwards or coastwise in the United Kingdom or in the Isle of Man, it shall become necessary to determine the precise time at which an importation or exportation of any goods  
20 made and completed shall be deemed to have had effect, such time in respect of importation or exportation of any goods made and completed shall be deemed to be the time at which the ship importing such goods had actually come within the limits of the port at which such ship shall in due course be reported, and such goods be dis-  
25 charged ; and that such time in respect of exportation shall be deemed to be the time at which the goods had been shipped on board the ship in which they had been exported ; and that if such question shall arise upon the arrival or departure of any ship in respect of any charge or allowance upon such ship, exclusive of any cargo, the time  
30 of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made ; and the time of such departure shall be deemed to be the time of the last clearance of such ship with the Collector and Comptroller for the voyage upon which she departed.

136.  
Time of an  
Importation  
and of an Ex-  
portation de-  
fined.

Arrival and  
departure of  
a Ship de-  
fined.

35 And be it Enacted, That although any Duty of Customs shall have been over-paid, or although after any Duty of Customs shall have been charged and paid, it shall appear or be judicially established that the same had been charged under an erroneous construction of the law, it shall not be lawful to return any such overcharge after the expiration of *Three Years* from the date of such payment.

137.  
Return of  
Duty over-  
paid.

138.  
Tonnage or  
burthen of  
Ships how  
ascertained.

And be it Enacted, That the tonnage or burthen of every British ship within the meaning of this Act shall be the tonnage set forth in the certificate of registry of such ship; and that the tonnage or burthen of every other ship shall for the purposes of this Act be ascertained in the same manner as the tonnage of British ships is ascertained. 5

139.  
Ships, when  
not liable to  
tonnage-rate,  
under 4 & 5  
W. 4, c. 32.

AND whereas by an Act passed in the fourth and fifth years of the reign of His late Majesty King WILLIAM the Fourth, intituled, "An Act for reducing the Tonnage Rates payable in the Port of London," certain rates are imposed upon ships or other vessels entering inwards and clearing outwards in the port of London, and it is expedient to amend the same in respect of ships or other vessels reporting their cargoes for exportation, and ultimately leaving the port without breaking bulk; BE it therefore Enacted, That no tonnage-rate shall be payable under the said Act on ships or other vessels entering inwards or clearing outwards in the said port in cases where the cargoes are reported for exportation, and ultimately the ships or other vessels leave the port without breaking bulk or taking in merchandize for the purpose of exportation. 10 15

140.  
Officers may  
refuse Master  
of British  
Ship unless  
indorsed on  
Register.

And be it Enacted, That it shall be lawful for the officers of the Customs, at any port under British dominion where there shall be a Collector and Comptroller of the Customs, to refuse to admit any person to do any act at such port as Master of any British ship, unless his name shall be inserted in or have been indorsed upon the certificate of registry of such ship as being the Master thereof, or until his name shall have been so indorsed by such Collector and Comptroller. 20 25

141.  
Falsifying  
Documents.

And be it Enacted, That if any person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket or transire or other document for the unlading, lading, entering, reporting or clearing of any ship or vessel, or for the landing or shipping of any goods, stores, baggage or article whatever, or shall by any false statement procure any writing or document to be made for any of such purposes, every person so offending shall for every such offence forfeit the sum of *Two hundred Pounds*: Provided always, That this penalty shall not attach to any particular offence for which any other penalty shall be expressly imposed by any law in force for the time being. 30 35

142.  
Authority of  
an Agent may  
be required.

And be it Enacted, That whenever any person shall make any application to any officer of the Customs to transact any business on behalf of any other person, it shall be lawful for such officer to require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority, to refuse to transact such business. 40

And

*General  
Regulations.*143.  
False Decla-  
rations.

And be it Enacted, That if any declaration required to be made by this Act or by any other Act relating to the Customs or to trade or navigation (except declarations to the value of goods), or if any declaration made for the consideration of the Commissioners of Her Majesty's Customs on any application presented to them be untrue in any particular, or if any person required by this Act, or by any other Act relating to the Customs or to trade or navigation, to answer questions put to him by the officers touching certain matters, shall not truly answer such questions, the person making such declaration or answering such questions shall, over and above any other penalty to which he may become subject, forfeit the sum of *One hundred Pounds*.

Penalty.

And be it Enacted, That the Commissioners of Her Majesty's Customs shall cause to be made and to be publicly exposed from time to time at the several ports in the United Kingdom, and in Her Majesty's possessions abroad, printed lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright subsists, such notice also stating when such copyright expires.

144.  
Printed Lists  
of prohibited  
Books to be  
exposed at  
Custom-  
Houses.

AND whereas by an Act passed in the ninth year of his Majesty King GEORGE the Fourth, intituled, "An Act to allow Sugar to be delivered out of the Warehouse to be refined," provisions are made for ascertaining and taking, in manner therein mentioned, the prices of Brown or Muscovado Sugar the produce of the British possessions in America: AND whereas it is expedient that the said provisions should extend and be applicable to Brown or Muscovado Sugar the produce of the British possessions within the limits of the East India Company's Charter; BE it therefore Enacted, That from and after the First day of August One thousand eight hundred and Forty-two, so much of the said last-mentioned Act as provides for the ascertaining and taking the prices of Brown or Muscovado Sugar the produce of the British possessions in America; and so much of the same Act as requires the delivery of accounts of the sales and purchases of such Sugar, and statements of the quantities and prices thereof, and other particulars therein mentioned in relation thereto, and the computation and publication of the average prices thereof, and the registry of such accounts and prices, shall be held to extend, include and apply to Brown or Muscovado Sugar the produce of the several British possessions within the limits of the East India Company's Charter; and that the average price of Sugar to be thenceforth published under the said last-mentioned Act as hereby extended, shall be the average price of Brown or Muscovado Sugar the produce not only of the British possessions in America, but also of the British possessions within the

145.  
So much of  
9 Geo. 4, c. 93,  
as provides  
for taking the  
Prices of  
Sugar the  
produce of  
British Pos-  
sessions in  
America, &c.,  
to apply to  
Sugar the  
produce of  
British Pos-  
sessions with-  
in the limits  
of the East  
India Com-  
pany's  
Charter.

*General  
Regulations.*

limits of the East India Company's Charter ; and the several penalties of Fifty Pounds and of Five Pounds imposed by the said recited Act for the offences therein mentioned, in respect of Sugar the produce of the British possessions in America, shall extend and be applicable to the like offences in respect of Sugar the produce of the British possessions within the limits of the East India Company's Charter.

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146.  
*Seizures.*

Ship to in-  
clude Tackle,  
&c.

And be it Enacted, That all goods and all ships, vessels and boats which by this Act or any Act at any time in force relating to the Customs shall be declared to be forfeited, shall and may be seized by any officer of the Customs ; and such forfeiture of any ship, vessel or boat shall be deemed to include the guns, tackle, apparel and furniture of the same ; and such forfeiture of any goods shall be deemed to include the proper package in which the same are contained.

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147.  
*Restoration  
of seized  
Goods, Ships,  
&c.*

And be it Enacted, That in case any goods, ships, vessels or boats shall be seized as forfeited, or detained as undervalued, by virtue of any Act of Parliament relating to the Customs, it shall be lawful for the Commissioners of Her Majesty's Customs to order the same to be restored, in such manner and on such terms and conditions as they shall think fit to direct ; and if the proprietor of the same shall accept the terms and conditions prescribed by the said Commissioners, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

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148.  
*Remission of  
Forfeitures  
and Penalties  
by Commis-  
sioners, on  
proof of inno-  
cence of  
Owners and  
Master.*

And be it Enacted, That if any ship shall have become liable to forfeiture on account of any goods laden therein or unladen therefrom, or if the Master of any ship shall have become liable to any penalties on account of any goods laden in such ship or unladen therefrom, and such goods shall be small in quantity or of trifling value, and it shall be made appear to the satisfaction of the Commissioners of Her Majesty's Customs that such goods had been laden or unladen contrary to the intention of the owners of such ship, or without the privity of the Master thereof, as the case may be, it shall be lawful for the said Commissioners to remit such forfeiture, and also to remit or mitigate such penalty, as they shall see reason to acquit such Master of all blame in respect of such offence, or more or less to attribute the commission of such offence to neglect of duty on his part as Master of such ship ; and every forfeiture and every penalty, or part thereof, so remitted, shall be null and void ; and no suit or action shall be brought or maintained by any person whatever on account thereof.

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149.  
*Ships not  
bringing to at  
Stations,  
Masters to  
forfeit 100l.*

And be it Enacted, That if any ship coming up or departing out of any port in the United Kingdom or in the Isle of Man, shall not bring to at the proper stations in such port appointed by the Commissioners

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sioners of Her Majesty's Customs for the boarding or landing of officers of the Customs, the Master of such ship shall for every such offence forfeit the sum of *One hundred Pounds*.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs, and for the Collector and Comptroller of any port under their directions, to station officers on board any ship while within the limits of any port in the United Kingdom or in the Isle of Man; and the Master of every ship on board of which any officer is so stationed shall provide every such officer sufficient room under the deck, in some part of the forecabin or steerage, for his bed or hammock, and in case of neglect or refusal so to do, shall forfeit the sum of *One hundred Pounds*.

150.  
Officers may  
be stationed  
in Ships in  
the limits of  
any Port.

Accommoda-  
tion of  
Officers  
on board.

And be it Enacted, That whenever any goods shall be taken to and secured in any of the Queen's warehouses in the United Kingdom or in the Isle of Man, for security of the duties thereon, or to prevent the same from coming into home use, it shall and may be lawful for the Commissioners of Her Majesty's Customs to charge and demand and receive warehouse rent for such goods, for all such time as the same shall remain in such warehouse, at the same rate as may be payable for the like goods when warehoused in any warehouse in which such goods may be warehoused without payment of duty: Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, by warrant or order under their hands respectively, from time to time to fix the amount of rent which shall be payable for any goods secured in any of the Queen's warehouses as aforesaid.

151.  
Power to  
charge Rent  
in Queen's  
Warehouse.

And be it Enacted, That in case such goods shall not be duly cleared from the Queen's warehouse within *Three* calendar Months (or sooner if they be of a perishable nature), it shall be lawful for the Commissioners of Her Majesty's Customs to cause such goods to be publicly sold by auction, for home use or for exportation (as the case may be); and the produce of such sale shall be applied towards the payment of the duties, if sold for home use, and of the warehouse rent and all other charges; and the overplus (if any) shall be paid to the person authorized to receive the same: Provided always, That it shall be lawful for the said Commissioners to cause any of such goods to be destroyed as cannot be sold for a sum sufficient to pay such duties and charges, if sold for home use, or sufficient to pay such charges if sold for exportation: Provided also, That if such goods shall have been landed by the officers of the Customs, and the freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such freight.

152.  
Power to sell  
Goods not  
cleared from  
Queen's  
Warehouse.

*General  
Regulations.*

153.  
Power for  
Her Majesty  
to appoint  
Ports and  
legal Quays.

And be it Enacted, That it shall be lawful for Her Majesty, by Her Commission out of the Court of Exchequer, from time to time, to appoint any port, haven or creek in the United Kingdom or in the Isle of Man, and to set out the limits thereof, and to appoint the proper places within the same to be legal quays for the lading and unlading of goods, and to declare that any place which had been set out as a legal quay by such authority shall be no longer a legal quay, and to appoint any new place within any port to be a legal quay for the lading and unlading of goods : Provided always, That all ports, havens and creeks, and the respective limits thereof, and all legal quays appointed and set out and existing as such at the commencement of this Act, under any law till then in force, shall continue to be such ports, havens, creeks, limits and legal quays respectively, as if the same had been appointed and set out under the authority of this Act.

154.  
Averment of  
Offence.

And be it Enacted, That in any information or other proceeding for any offence against any Act made or to be made relating to the Customs, the averment that such offence was committed within the limits of any port shall be sufficient, without proof of such limits, unless the contrary be proved.

155.  
Commission-  
ers may ap-  
point Suffer-  
ance Wharfs.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs from time to time, by any order under their hands, to appoint places to be sufferance wharfs, for the lading and unlading of goods by sufferance, to be duly issued by them, or by the proper officers under their directions, in such manner and in such cases as they shall see fit.

156.  
No Ships en-  
gaged in the  
carriage of  
Letters to  
import or  
export  
Goods.

And be it Enacted, That no ship or boat appointed and employed ordinarily for the carriage of letters, shall import or export any goods without permission of the Commissioners of Her Majesty's Customs, under the penalty of the forfeiture of *One hundred Pounds*, to be paid by the Master of such ship or boat.

157.  
Fitter's Certi-  
ficates.

And be it Enacted, That no ship shall be cleared from any port of the United Kingdom, either for a coasting or a foreign voyage, laden with coals, or coal or culm or cinders, which had not been previously brought coastwise into such port, until the fitter or coal-owner, or his agent, vending or shipping the same, shall have delivered to the Collector or Comptroller two certificates under his hand, expressing the total quantities of coals, culm and cinders respectively shipped or intended to be shipped by him in such ship ; and the Collector or Comptroller shall retain one of such certificates, and shall deliver the other, signed by him, to the Master of the ship ; and every fitter, coal-owner or agent who shall refuse to give such certificates, or shall give a false certificate, shall forfeit and pay the sum of *One hundred Pounds* ;

*Pounds*; and the Master of such ship shall keep such certificate, and produce the same to any officer of Customs demanding such production, and shall, before bulk be broken, deliver such certificate to the Collector or Comptroller of any port in the United Kingdom to which such coals, culm or cinders shall be carried in such ship.

Licensed  
Agents.

158.

Persons entering or clearing Ships, &amp;c. as Agents, to be licensed and give bond.

And be it Enacted, That it shall not be lawful for any person to act as an agent for transacting business in the Port of London which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, unless authorized so to do by license of the Commissioners of Her Majesty's Customs, who are hereby empowered to require bond to be given by every person to whom such license shall be granted, with one sufficient surety in the sum of *One thousand Pounds* for the faithful and incorrupt conduct of such person, and of his clerks acting for him: Provided always, That such bond shall not be required of any person who shall be one of the Sworn Brokers of the City of London: Provided also, That all licenses heretofore granted by the Commissioners of Her Majesty's Customs to any persons to act as agents, shall be valid and effectual, and all bonds taken for the faithful and incorrupt conduct of such persons shall be and are hereby declared to be and remain in full force and effect; and if any person shall act as such agent, not being so licensed, or if any person shall be in partnership in such agency with any person not so licensed, such person shall in either case for every such offence forfeit the sum of *One hundred Pounds*.

Exception.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by any order under their hands, to revoke any such license, or any license heretofore granted by the Commissioners of Customs to any person to act as an agent for transacting such business at the Custom House in the Port of London, and that after a copy of such order shall have been delivered to such person or to his clerk, or left at his usual place of abode or business, such license shall be void.

159.

Treasury may revoke License.

Provided always, and be it Enacted, That nothing herein contained shall extend to prevent the clerk or servant of any person or of any persons in co-partnership from transacting any such business on account of such person or persons without such license, provided such clerk or servant shall not transact any such business as clerk, servant or agent to any other person.

160.

Not to extend to Clerks or Servants of individuals.

And be it Enacted, That it shall be lawful for any such agent or agents in co-partnership, to appoint any person, without license, to be his or their clerk in transacting such agency: Provided always, That no person shall be admitted to be such clerk to more than one agent

161.

Agent may appoint Clerks to act for him only.

Licensed  
Agents.

or co-partnership of agents, nor until his name and residence and the date of his appointment shall have been indorsed on the license of every such agent, and signed by him, and witnessed by the signature of the Collector and Comptroller of the Customs, unless such person shall have been appointed with consent of the Commissioners of Her Majesty's Customs before the commencement of this Act. 5

162.

Treasury  
may extend  
Regulations  
to other  
Ports.

And be it Enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, by their warrant, to be published in the London or Dublin Gazette, to extend the regulations hereinbefore made relating to agents in the Port of London to agents at any other port in Great Britain, or at any port in Ireland. 10

163.

Act may be  
altered this  
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Customs Regulation.

A

B I L L

For the General Regulation of the Customs.

(Prepared and brought in by  
Mr. Greene, Mr. Chancellor of the Exchequer  
and Mr. Cardwell.)

Ordered, by The House of Commons, to be Printed,  
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